

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 788370	§	
issued to KATRINA AMANDA MENDOZA	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATRINA AMANDA MENDOZA, Registered Nurse License Number 788370, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 20, 2021.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Incarnate Word, San Antonio, Texas, on May 8, 2010. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2010.
5. Respondent's nursing employment history includes:

07/2010-08/2017

RN

CHRISTUS Santa Rosa
Hospital, San Antonio, Texas

Respondent's nursing employment history continued:

05/2013-Unknown	RN	Nix Health San Antonio, Texas
10/2017-07/2020	RN	University Health System San Antonio, Texas
08/2020-Present	Unknown	

6. On or about May 4, 2020, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent may have violated the confidentiality of patients in that Respondent accessed the medical records of the children of a co-worker, who are also the Respondent's step-children. Respondent's conduct could have exposed the patients unnecessarily to a risk of harm from disclosure of their confidential medical information without their written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
7. On or about June 27, 2020, through July 1, 2020, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent violated the confidentiality of a patient in that Respondent accessed the medical records of a patient, her husband, not necessary in the course of her regular duties. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of their confidential medical information without their written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
8. On or about July 14, 2020, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent incorrectly documented in the medical record of Patient Medical Record Number 2030304 that Respondent withdrew Rocuronium and Levemir-Insulin, both high alert medications, administered the medications, and verified with a nurse co-signer. A pharmacist actually withdrew the medication, verified the dosage and handed the medications to the Respondent for administration, but Respondent failed to note the pharmacist as a co-signer. The nurse co-signer not only did not work on the unit Respondent was on, but was also not working at that time. Respondent's conduct caused the patient's medical records to be incorrect.
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent admits to the allegations. Specifically, regarding six (6) and seven (7), Respondent accessed the records of family members, not realizing this was an issue. She is now aware of the procedures. Regarding eight (8), Respondent states she was working on the COVID unit and pharmacy and attending physician were at bedside, she did not realize she would also

need another nurse to sign off on the administration. Respondent states she is embarrassed that she did not follow the rules, but it was not intentional.

10. Respondent completed courses in Nursing Jurisprudence and Ethics on September 12, 2020; Nursing Documentation on September 12, 2020; Professional Boundaries in Nursing on September 8, 2020; Patient Privacy on November 17, 2020; and Sharpening Critical Thinking Skills on November 17, 2020; all of which would have been requirements of this order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D)&(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 788370, heretofore issued to KATRINA AMANDA MENDOZA.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of the effective date of this Order.

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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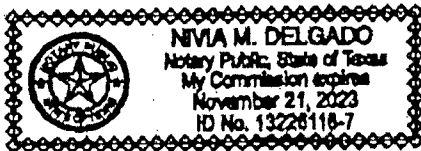
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of May, 2021.KATRINA AMANDA MENDOZA
KATRINA AMANDA MENDOZA, RESPONDENTSworn to and subscribed before me this 7 day of May, 2021.

SEAL


Notary Public in and for the State of TEXAS

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for RespondentSigned this 7th day of May, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of May, 2021, by KATRINA AMANDA MENDOZA, Registered Nurse License Number 788370, and said Agreed Order is final.

Effective this 8th day of June, 2021.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board