

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 737948	§	
& Vocational Nurse License Number 176119	§	
issued to KATY MARQUEZ	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATY MARQUEZ, Registered Nurse License Number 737948, and Vocational Nurse License Number 176119, 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 28, 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 vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Texas State Technical College West Texas, Sweetwater, Texas, on February 18, 2000. Respondent received an Associate Degree in Nursing from Cisco Junior College, Abilene, Texas, on December 16, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 6, 2007.
5. Respondent's nursing employment history includes:

05/2000 – 01/2007	Unknown	Facility Name City, State
02/2007 – 02/2014	RN	Hendrick Health System Abilene, Texas
02/2014 – 03/2015	RN (Clinical Director)	Hospice of the Big Country Abilene, Texas
04/2015 – 07/2015	Unknown	
08/2015 – 01/2016	RN (Charge Nurse)	Hendrick Health System Abilene, Texas
01/2016 – 07/2016	RN	Aureus
08/2016 – 04/2017	RN (Charge Nurse)	Strategy Staffing Abilene, Texas
04/2017 – 02/2018	RN (State Surveyor)	Department of Aging and Disability Services Midland, Texas
02/2018 – 02/2020	RN (Director of Nursing)	Daybreak Ventures Terrace West Nursing and Rehabilitation Midland, Texas
07/2019 – Present	RN (Director of Nursing)	Midland Medical Lodge Midland, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse and in the role of Director of Nursing with Daybreak Ventures Terrace West Nursing and Rehabilitation, Midland, Texas, and had been in that position for one (1) year and ten (10) months.
7. On or about December 2, 2019 through December 18, 2019, while employed as a Registered Nurse and in the role of Director of Nursing at Daybreak Ventures Terrace West Nursing and Rehabilitation, Midland, Texas, Respondent failed to intervene appropriately and to ensure staff were providing the necessary wound care interventions and weekly assessments as ordered by the physician for Patient W.D., who had multiple diabetic ulcers to the left foot. Additionally, the Respondent failed ensure that the physician was aware of the left heel pressure ulcer, which had deteriorated from a Stage 3 to a Stage 4, and failed to upgrade the plan of care as required per the facility policy. As a result, the patient's left leg/foot became red and warm to touch, which required the patient to be transferred to the

Emergency Room for evaluation and treatment. Respondent's conduct was likely to injure the resident from undetected progression of clinical complications, including those associated with the progression of skin break down and/or pressure wounds.

8. In response to Finding of Fact Number Seven (7), Respondent states Resident W.D. was seen by a podiatrist every month to assess and manage wound care and that all orders were implemented as directed. On December 2, 2019, the treatment nurse assessed the skin and documented on the weekly skin assessment sheet the development of blisters to the calf area. Respondent states that it was the treatment nurse who failed to document in the chart on the nurse's notes, SBAR, matrix incident report, and place on the nurse-to-nurse report. Also, the treatment nurse failed to notify the physician and Director of Nursing (DON) that there was a change in condition on December 2, 2019, and December 9, 2019, as required by the facility policy. Respondent states the DON responsibility to follow up and ensure that policy and procedure s are in place/implemented cannot be completed if not notified of changes as required by staff, and admits she was not aware of skin changes that required new wound care orders on December 2, 2019.
9. Formal Charges were filed on January 14, 2021.

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)(C),(1)(M),(1)(O), and (1)(U) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(F), (2), and (4).
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 737948, and Vocational Nurse License Number 176119, heretofore issued to KATY MARQUEZ.
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 **REPRIMAND WITH STIPULATIONS** 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. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.
- B. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.
- D. The course "Professional Accountability," a 4.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

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 at Midland Medical Lodge, Midland, Texas:** For the duration of the stipulation period and Order, 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. Multiple employers are prohibited.

Should Respondent's employment at Midland Medical Lodge, Midland, Texas, cease while under the terms of this Order, Respondent shall comply with the requirements of paragraph D of this section for the remainder of this Order, as applicable.

- D. **Indirect Supervision:** Pursuant to paragraph C of this section, for the remainder of the Order and while employed as a Nurse under this Order, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **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. 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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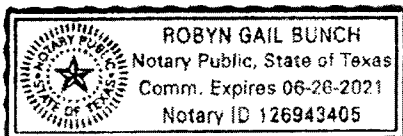
RESPONDENT'S CERTIFICATION

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 5th day of May, 2021.
Katy Marquez
KATY MARQUEZ RESPONDENT

Sworn to and subscribed before me this 5th day of May, 2021.
Robyn Bunch
Notary Public in and for the State of TX

SEAL



Approved as to form and substance.
Zollie C. Steakley
Zollie C. Steakley, Attorney for Respondent
Signed this 6th 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 5th day of May, 2021, by KATY MARQUEZ, Registered Nurse License Number 737948, and Vocational Nurse License Number 176119, and said Agreed Order is final.

Effective this 8th day of June, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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