

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 809534	§	FOR
issued to MERRYDAILE PAGULAYAN PUNZALAN	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MERRYDAILE PAGULAYAN PUNZALAN, Registered Nurse License Number 809534, 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 for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 4, 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 for KSTAR Program.
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 Arizona State University, Tempe, Arizona, on December 16, 2010. Respondent was licensed to practice professional nursing in the State of Texas on October 21, 2011.

5. Respondent's nursing employment history includes:

6/2011 – Unknown	Registered Nurse	Brownwood Regional Medical Center Brownwood, Texas
6/2013 – 6/2014	Registered Nurse	North Austin Medical Center Austin, Texas
2/2014 – 9/2014	Registered Nurse	Round Rock Medical Center Round Rock, Texas
6/2013 – Present	Registered Nurse	St. David's North Austin Medical Center Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with St. David's North Austin Medical Center, Austin, Texas, and had been in that position for seven (7) years.
7. On or about July 2, 2020, while employed a Registered Nurse Peripherally Insert Central Catheter (PICC) Nurse at St. David's North Medical Center, Austin, Texas, Respondent failed to accurately and completely document her interventions for Patient RH when the patient's midline catheter was malfunctioning. Respondent's conduct created an incomplete medical record and was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to provided further patient care.
8. In response to Finding of Fact Number Seven (7), Respondent states she assessed the patient at bedside, informed the patient that midline was contraindicated, and offered to place a peripheral IV and discontinue the midline. Respondent states the patient refused removal of midline. Respondent observed the midline dressing was peeling off and the catheter looked kinked close to the insertion site. Respondent notified patient of her observation but the patient still refused for the midline to be discontinued. Respondent states she pulled the midline back one (1) centimeter, the catheter was functional again, and she placed a sterile dressing. Respondent states she notified the charge nurse and the primary nurse that the midline was contraindicated and if there was a change in the midline they needed to notify the physician and acquire an official consultation and necessity for the midline placement. Respondent went to the unit around 1600 after notification that the midline catheter was sluggish. Respondent states she asked the primary nurse again to notify the physician and acquire an official consultation and necessity for the midline placement. Respondent was not informed of an order before she left.

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)(D) and 217.12(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 809534, heretofore issued to MERRYDAILE PAGULAYAN PUNZALAN.
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** 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 for KSTAR Program.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;
- B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;
- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and
- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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 waive representation by counsel. 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 17th day of May, 2021.


MERRY DAILE PAGULAYAN PUNZALAN,

RESPONDENT

Sworn to and subscribed before me this 17 day of May, 2021.

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 17th day of May, 2021, by MERRYDAILE PAGULAYAN PUNZALAN, Registered Nurse License Number 809534, and said Agreed Order for KSTAR Program is final.

Effective this 8th day of June, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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