

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 611811
issued to ROSE MARIE ESPIN

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AGREED ORDER
FOR
KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSE MARIE ESPIN, Registered Nurse License Number 611811, 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 June 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 an Associate Degree in Nursing from Texas Southmost College, Brownsville, Texas, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on December 20, 1994.

5. Respondent's nursing employment history includes:

12/1994 – 4/2000	Registered Nurse	Valley Regional Medical Center Houston, Texas
5/2000 – 12/2000	Unknown	
1/2001 – 1/2002	Registered Nurse	Memorial City Hospital Houston, Texas
1/2002 – 1/2003	Registered Nurse	Spring Branch Medical Center Houston, Texas
2/2003 – 7/2003	Unknown	
8/2003 – 7/2004	Registered Nurse	Fiango Home Health Care Houston, Texas
7/2004 – 2/2006	Registered Nurse	Health Link Professional, Inc. Houston, Texas
3/2006 – 6/2010	Registered Nurse	All About Home Care, Inc. Houston, Texas
7/2010 – 6/2011	Unknown	
7/2011 – 12/2014	Registered Nurse	Life Healthcare Services Houston, Texas
12/2014 – Present	Director of Nursing	Empire Healthcare, Inc. Stafford, Texas
3/2017 - Present	Supervising Registered Nurse	1 on 1 KF Homes Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Supervising Registered Nurse with 1 on 1 KF Homes, Inc., Houston, Texas, and had been in that position for two (2) years and eight (8) months.

7. On or about November 4, 2019, while employed as a Supervising Registered Nurse with 1 on 1 KF Homes, Inc., Houston, Texas, a Home and Community Service (HSC) provider, Respondent failed to document in the Comprehensive Nursing Assessment of Patient E. F. the prescription medication Trazadone. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
8. On or about November 4, 2019, through May 7, 2020, while employed as a Supervising Registered Nurse with 1 on 1 KF Homes, Inc., Houston, Texas, a Home and Community Service (HSC) provider, Respondent failed to appropriately document in the Comprehensive Nursing Assessment of Patient E. F. the delegated task of medication administration, including the unlicensed assistive personnel (UAP) responsible for the aforementioned delegated task, training received, and verification of competency. Respondent further failed to appropriately monitor and supervise the delegated tasks to UAPs regarding medication administration, and assignments to the licensed vocational nurse with regards to medication reconciliation. Further, Respondent failed to appropriately update the plan of care to address recent changes in psychiatric behavior. Respondent's conduct created an inaccurate medical record and exposed the patient to risk of injury from worsening psychiatric status, including elopement.
9. In response to the incident in Findings of Fact Number Seven (7) and Number Eight (8), Respondent states she is allotted twenty (20) hours annually for RN services to patients, and states this allotted time is primarily used for annual assessments, delegation and training of unlicensed staff, and coordinating support with her nursing team. Respondent also states that, starting February 2020, patient behaviors were more extreme, but not a change from her last nursing assessment. Respondent further states she attended a teleconference with the patient's psychiatrist to request placement for psychiatric services. Respondent states the patient again eloped from the group home before psychiatric placement could be arranged.

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)(U), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (1)(C)&(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 611811, heretofore issued to ROSE MARIE ESPIN.

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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. 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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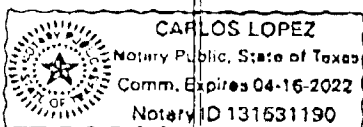
RESPONDENT'S CERTIFICATION

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 26 day of July, 2021.
Rose Marie Espin
ROSE MARIE ESPIN, RESPONDENT

Sworn to and subscribed before me this 26 day of July, 2021.

SEAL



Carlos Lopez
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 26th day of July, 2021, by ROSE MARIE ESPIN, Registered Nurse License Number 611811, and said Agreed Order for KSTAR Program is final.

Effective this 14th day of September, 2021.

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

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