



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 56192
issued to ROSA MARIA LOPEZ

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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 ROSA MARIA LOPEZ, Vocational Nurse License Number 56192, 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 August 26, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Valley Baptist Hospital, Harlingen, Texas, on April 20, 1973. Respondent was licensed to practice vocational nursing in the State of Texas on April 20, 1973.

5. Respondent's nursing employment history includes:

4/1973 - 1981	Unknown	
12/1982-5/1984	Licensed Vocational Nurse	Brownsville Community Health Clinic Brownsville, Texas
6/1984-7/1985	Licensed Vocational Nurse	Hidalgo County Health Department Edinburg, Texas
8/1986-5/1988	Licensed Vocational Nurse	Mission School District Mission, Texas
5/1988-1/1990	Clinical Instructor	South Texas Vocational Tech McAllen, Texas
1990-1994	Clinical Instructor	CBM Education center McAllen, Texas
1/1994-3/1996	Clinical Instructor	Southern Careers Institute Pharr, Texas
3/1995-12/1998	Licensed Vocational Nurse	Family Home Health Edinburg, Texas
10/1998-11/2001	Licensed Vocational Nurse	Jubilee Group Homes, Inc. McAllen, Texas
9/2001-2/2004	Licensed Vocational Nurse	Friends Home Healthcare, Inc. Donna, Texas
12/2005-1/2007	Licensed Vocational Nurse	Angelitos Home Health, Inc. Edinburg, Texas
1/2007-7/2009	Licensed Vocational Nurse	Manos de Oro Mission, Texas
8/2009-12/2009	Unknown	
1/2010-2/2012	Licensed Vocational Nurse	Renaissance Nursing Services McAllen, Texas
8/2011-10/2013	Licensed Vocational Nurse	Hosanna Healthcare Mission, Texas

Respondent's nursing employment history continued:

1/2012-4/2014	Licensed Vocational Nurse	Saldivar Home Health Pharr, Texas
4/2014-7/2018	Licensed Vocational Nurse	Americare Nursing Services San Juan, Texas
8/2018-Present	Licensed Vocational Nurse	In-Motion Home Health McAllen, Texas
8/2018-Present	Licensed Vocational Nurse	All Valley Home Health Pharr, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Americare Nursing Services, San Juan, Texas, and had been in that position for four (4) years and three (3) months.
7. On or about July 13, 2018, while employed as a Licensed Vocational Nurse with Americare Nursing Services, San Juan, Texas, Respondent inappropriately inserted a 22 French gauge (Fr) Foley catheter for Patient 16127x4, instead of a 20 Fr Foley catheter as ordered. Subsequently, the patient was admitted to the hospital that evening with blood in the urine, an elevated temperature, painful urination, and was diagnosed with a urinary tract infection. Respondent's conduct exposed the patient to a risk of harm from incorrectly sized catheter tubing placement, including urethral pain, injury, or infection.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was scheduled to see the patient for a monthly catheter change. Respondent states that after inserting a new 20 Fr catheter, she realized that it was defective and the balloon could not be inflated. Respondent states that she instructed the patient and caregiver that they should go to the hospital, but they refused. Respondent states that she did not have another 20 Fr size catheter with her, and would have to take approximately an hour to go to the office and obtain another one; Respondent only had a size 22 Fr catheter with her. The patient's caregiver said that she should do what was necessary, since the patient refused to go to the hospital. Respondent states that she inserted the 22 Fr catheter to avoid further complications of urinary retention, meant to be a temporary insertion until the family sought medical attention. Respondent states that she obtained urine return of slightly pink but clear flowing urine to the catheter drainage bag. Respondent adds that she texted the Registered Nurse supervisor regarding the situation but received no response.

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)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 56192, heretofore issued to ROSA MARIA LOPEZ.
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

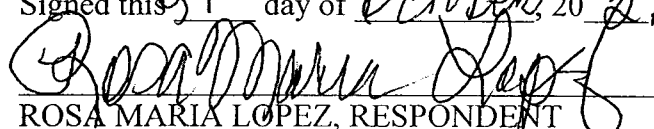
IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice 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.

RESPONDENT'S CERTIFICATION

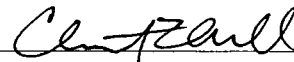
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 27th day of October, 2021


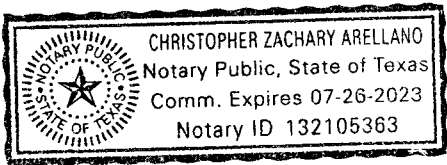
ROSA MARIA LOPEZ, RESPONDENT

Sworn to and subscribed before me this 27 day of OCTOBER, 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 27th day of October, 2021, by ROSA MARIA LOPEZ, Vocational Nurse License Number 56192, and said Agreed Order for KSTAR Program is final.

Effective this 14th day of December, 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