



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	§	REINSTATEMENT
Registered Nurse License Number 767934	§	AGREED ORDER
issued to KIMBERLY MALDONADO	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 767934, held by KIMBERLY MALDONADO, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN; FAAN, Executive Director, on October 12, 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on March 5, 2009. Petitioner was licensed to practice professional nursing in the State of Texas on May 5, 2009.
4. Petitioner's nursing-employment history includes:

5/2009 – 12/2011	Registered Nurse	Christus Santa Rosa Children's Hospital San Antonio, Texas
12/2011 – 4/2014	Clinic Coordinator	Christus Santa Rosa Children's Hospital San Antonio, Texas
4/2014 – 10/2014	Registered Nurse	Epic Home Health San Antonio, Texas

Petitioner's nursing employment history continued:

11/2014 – Unknown Travel Registered Nurse American Traveler Staffing
Boca Raton, Florida

2/2015 – 1/2016 Registered Nurse Epic Health Service
Austin, Texas

2/2016 – Present Not employed in Nursing

5. On or about January 21, 2016, Petitioner was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the January 21, 2016, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about January 23, 2017, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the January 23, 2017, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
7. On or about September 1, 2021, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
8. Petitioner presented the following in support of said petition:
 - A. Letter of support from Petitioner's former colleague, Angela Sorrell, PT, MPT, CNT, NTMTC, dated September 28, 2021.
 - B. Letter of support from Petitioner's former colleague, Brenda Carrillo, dated September 15, 2021.
 - C. Letter of support from Deadra Thomas, MHA, BSN, RN, dated September 13, 2021.
 - D. Letter of support from Petitioner's friend, Regina Urbano, RN, dated September 7, 2021.
 - E. Letter of support from Petitioner's former classmate, Bedia Loud, dated September 1, 2021.
 - F. Letter that Petitioner is cleared to work from Mark Drogin, MD, ABPN, ABFM, ABEM, dated August 30, 2021.
 - G. Letter of support from Petitioner's former colleague, Mario Ferrio, MD.
 - H. Documentation of the required continuing education contact hours.
9. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.

10. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
11. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
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. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of KIMBERLY MALDONADO for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 767934 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Until successfully completed, PETITIONER 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, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as a registered nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing. The application for the Six Month Temporary Permit is available via the Nurse Portal on the Board's website (www.bon.texas.gov). PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing.

Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.

In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.

- C. Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing, PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.
- D. Upon verification of successful completion of the conditions as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available via the Nurse Portal on the Board's website (www.bon.texas.gov). PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) within one (1) year of relicensure, 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. 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.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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, PETITIONER 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:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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. **Indirect Supervision:** PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER 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 Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

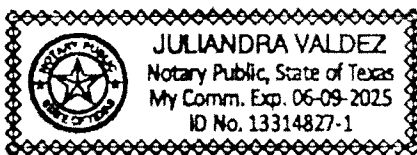
I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of December, 2021.
Kimberly Maldonado
KIMBERLY MALDONADO, PETITIONER

Sworn to and subscribed before me this 9 day of December, 2021.

SEAL



Juliandra Valdez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of December, 20 21, by KIMBERLY MALDONADO, Registered Nurse License Number 767934, and said Reinstatement Agreed Order is final.

Effective this 8th day of February, 20 22



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



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.

Heather O'Hara
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 767934 §
issued to KIMBERLY MALDONADO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY MALDONADO, Registered Nurse License Number 767934, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

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 Order.
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 San Antonio College, San Antonio, Texas, on March 5, 2009. Respondent was licensed to practice professional nursing in the State of Texas on May 5, 2009.
5. Respondent's professional nursing employment history includes:

05/09 - 12/11 RN Christus Santa Rosa Children's Hospital
San Antonio, Texas

12/11 - 04/14 Clinic Christus Santa Rosa Children's Hospital
Coordinator San Antonio, Texas

Respondent's professional nursing employment history continued:

04/14 - 10/14	RN	Epic Home Health San Antonio, Texas
11/14 - Unknown	Travel RN	American Traveler Staffing Boca Raton, Florida
02/15 - 01/16	RN	Epic Health Services Austin, Texas
02/16 - Present	Unemployed	

6. On or about January 21, 2016, Respondent was issued an AGREED ORDER FOR KSTAR PILOT PROGRAM by the Texas Board of Nursing. Respondent has not successfully completed the terms of this Order. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 21, 2016, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Epic Health Services, Austin, Texas, and had been in that position for seven (7) months.
8. While employed with Epic Health Services, Austin, Texas, in Fall 2015, Respondent was counseled for several patient care incidents, including administering a medication to a patient that was not on the patient's plan of care, failing to timely perform and document an assessment of a patient, making inappropriate comments in front of a five year old patient, picking a patient up early without written authorization from the patient's mother, and inappropriately carrying a patient. Respondent denied putting any patient at risk and asserts that she always acted in her patient's best interests.
9. On or about March 7, 2016, Respondent became non-compliant with the Agreed Order issued to her on January 21, 2016 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to apply to and enroll in the KSTAR Pilot Program. Section III, Part A of the Agreed Order dated January 21, 2016, states in pertinent part:

"RESPONDENT SHALL within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;"
10. In response to Finding of Fact Number Nine (9), Respondent states that she will not be practicing nursing at this time due to health issues.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas:

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),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 767934, heretofore issued to KIMBERLY MALDONADO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 767934, heretofore issued to KIMBERLY MALDONADO, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a

registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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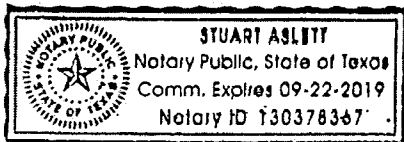
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 13 day of January, 2017.
Kimberly Maldonado
KIMBERLY MALDONADO, Respondent

Sworn to and subscribed before me this 13th day of January, 2017.

SEAL



Stuart Aslett
Notary Public in and for the State of Texas

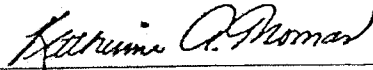
Approved as to form and substance.

Courtney Newton
Courtney Newton, Attorney for Respondent

Signed this 23rd day of January, 2017.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of
the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License
Number 767934, previously issued to KIMBERLY MALDONADO.

Effective this 23rd day of January, 20 17.



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



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
Registered Nurse License Number 767934
issued to KIMBERLY MALDONADO

§ AGREED ORDER
§ FOR
§ KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY MALDONADO, Registered Nurse License Number 767934, 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 Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 5, 2015.

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 Order.
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 San Antonio College, San Antonio, Texas, on March 5, 2009. Respondent was licensed to practice professional nursing in the State of Texas on May 5, 2009.
5. Respondent's professional nursing employment history includes:

05/09 - 12/11	RN	Christus Santa Rosa Children's Hospital San Antonio, Texas
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Respondent's professional nursing employment history continued:

12/11 - 04/14	Clinic Coordinator	Christus Santa Rosa Children's Hospital San Antonio, Texas
04/14 - 10/14	RN	Epic Home Health San Antonio, Texas
11/14 - Present	Travel RN	American Traveler Staffing Boca Raton, Florida

6. At the time of the initial incident, Respondent was employed as a travel Registered Nurse with American Traveler Staffing, Boca Raton, Florida, and assigned at St. David's North Austin Medical Center, Austin, Texas, and had been in that position for one (1) month.
7. On or about December 29, 2014, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent acknowledged a physician's order for dextrose 10% water 250ml (D10W) for Patient Number H001387475 at a rate of 6.5ml/hr, but inaccurately documented that the D10W was infusing at a rate of 6 ml/hr. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further care.
8. On or about December 29, 2014, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent incorrectly infused D10W for Patient Number H001385238, at a rate of 3ml/hr, instead of 3.5ml/hr, as ordered by the physician. Additionally, Respondent incorrectly documented that the D10W was infusing at the correct rate of 3.5ml/hr. Respondent's conduct created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further care.
9. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent engaged in unprofessional conduct in that she made an inappropriate comment after a co-worker notified her that the isolette alarm for her patient, Patient Number H001387871, was sounding. Respondent's conduct created a hostile work environment and unnecessarily exposed the patient and the patient's family to risk of verbal and/or emotional abuse.
10. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to use gloves when interacting with

infant Patient Numbers H001387871 and H001387872, including tactile stimulation for a low heart rate. Respondent's conduct unnecessarily exposed the patient to risk of harm from failing to utilize appropriate infection control measures.

11. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to assess, and/or document her assessment of hourly fraction of inspired oxygen (FiO2) readings for Patient Number H001387872, as ordered by the physician. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications and/or Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation on which to base their decisions for further care.
12. On or about January 19, 2015, while employed with American Traveler Staffing, Boca Raton, Florida, and assigned to the Neonatal Intensive Care Unit (NICU) at St. David's North Austin Medical Center, Austin, Texas, Respondent failed to accurately document that she administered feedings of expressed breast milk with prolact to Patient Number H001387872. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation on which to base their decisions for further care.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent neither admits nor denies the allegations. In order to resolve this matter, Respondent is agreeable to an Agreed 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)(C),(1)(D),(1)(O)&(3) and 217.12(1)(A),(1)(B)&(1)(C).
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 767934, heretofore issued to KIMBERLY MALDONADO.
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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

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

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

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot 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 Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot 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 Pilot 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 Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

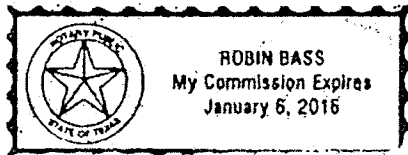
Signed this 20 day of November, 2015.

Kimberly Maldonado

KIMBERLY MALDONADO, Respondent

Sworn to and subscribed before me this 20th day of November, 2015.

SEAL



Robin Bass

Notary Public in and for the State of Texas


Approved as to form and substance.

Courtney Newton
Courtney Newton, Attorney for Respondent

Signed this 20th day of November, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of November, 2015, by KIMBERLY MALDONADO, Registered Nurse License Number 767934, and said Order is final.

Effective this 21st day of January, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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