



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.  
Kristin K. Benton, DNP, RN  
Executive Director  
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Advanced Practice Registered Nurse License  
Number AP127465  
& Registered Nurse License Number 703478  
issued to KAREN ANN MERKEL

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KAREN ANN MERKEL, Advanced Practice Registered Nurse License Number AP127465, and Registered Nurse License Number 703478, 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)(effective through 8/31/2021), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on December 15, 2023.

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 professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number 17346 in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 14, 2003. Respondent completed a Family Nurse Practitioner Program from Texas Woman's University, Denton, Texas, on December 1, 2014. Respondent was licensed to practice professional nursing in the State of Texas on February

26, 2004. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner on February 13, 2015. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on February 13, 2015.

5. Respondent's nursing employment history includes:

2/2004 – 7/2004	Unknown	
8/2004 – 10/2006	Registered Nurse	Memorial Hermann NW Hospital Houston, Texas
10/2006-4/2013	Registered Nurse	Houston Methodist Hospital Willowbrook Houston, Texas
5/2013-12/2013	Unknown	
1/2014-5/2014	Registered Nurse	Memorial Hermann Hospital Houston, Texas
5/2014-9/2014	Registered Nurse	Texas Health Resources Fort Worth, Texas
10/2014-8/2015	Unknown	
9/2015-5/2016	Registered Nurse	Team Health-Central Texas Medical Center San Marcos, Texas
6/2016-7/2018	Family Nurse Practitioner	Victory Medical Austin, Texas
10/2016-11/2017	Family Nurse Practitioner	US Acute Care Solutions Austin, Texas
8/2018 – 5/2019	Unknown	
6/2019-4/2021	Family Nurse Practitioner	Seton Family of Doctors Austin, Texas
5/2021- Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner with Seton Family of Doctors, Austin, Texas, and had been in that position for one (1) month.
7. On or about July 23, 2019, through September 16, 2020, while employed as a Family Nurse Practitioner with Seton Family of Doctors, Austin, Texas, Respondent may have ordered controlled substances for Patient Number 1113709 fourteen times, without documenting an associated clinic visits or assessment each time a prescription was entered. Additionally, Respondent ordered refills of alprazolam and Tylenol #4 after the initial 90 days, without documentation of consultation with a supervising physician as required for controlled substance prescriptions. Respondent's conduct resulted in an incomplete medical record and could have injured 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 October 31, 2019, while employed as a Family Nurse Practitioner with Seton Family of Doctors, Austin, Respondent may have ordered alprazolam for Patient Number 265637, without documenting an associated clinic visit or assessment. Respondent's conduct resulted in an incomplete medical record and could have injured the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. On or about October 31, 2020, while employed as a Family Nurse Practitioner with Seton Family of Doctors, Austin, Respondent ordered Tylenol #4 with two refills for Patient EP, who was also a coworker, without documenting an associated clinic visit or assessment. Respondent's conduct resulted in an incomplete 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.
10. In response to Findings of Fact Numbers Seven (7), Eight (8), and Nine (9), Respondent states that Seton did not provide all the documentation that she remembers entering. In response to Finding of Fact Number Seven (7), Respondent states she did not understand the Board rule that states a prescription for controlled substances and any refills was intended to be cumulative. Respondent states she thought the rule was for each prescription and any refills and so she never wrote a single prescription and refills for longer than 90 days. In response to Finding of Fact Number Eight (8), Respondent states Patient Number 265637 was a long-standing patient seen by various providers, but Seton states they cannot find any documentation other than a poor copy of a written prescription. In response to Finding of Fact Number Nine (9), Respondent states there is a note on 11/6/20 for the 10/31/20 telemedicine visit and prescription.

#### 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)&(4)(B), 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B) &(1)(C), and 22 TEX. ADMIN. CODE §222.8(b)(2).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP127465, and Registered Nurse License Number 703478, heretofore issued to KAREN ANN MERKEL.
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 **REMEDIAL EDUCATION** 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.

### 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 "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).
  
- D. **The course "Prescriptive Authority for APRNs,"** a 1.2 contact hour online program provided by the Texas Board of Nursing. Information about this course is available at <https://www.bon.texas.gov/catalog/product/#bon-course-rx> or from the "CNE Workshops/Webinars" section of the Board's website under "News" menu.

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](http://www.bon.texas.gov/compliance).*

**V. 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 becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of January, 2021  
Karen Ann Merkel  
KAREN ANN MERKEL, RESPONDENT

Sworn to and subscribed before me this 19<sup>th</sup> day of January, 2021.

SEAL



[Signature]  
Notary Public in and for the State of Texas

Approved as to form and substance.  
Taralynn R Mackay  
Taralynn Mackay, Attorney for Respondent

Signed this 19<sup>th</sup> day of January, 2021

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of January, 2024, by KAREN ANN MERKEL, Advanced Practice Registered Nurse License Number AP127465, and Registered Nurse License Number 703478, and said Agreed Order is final.

Effective this 19th day of January, 2024.

Kristin K. Benton, DNP, RN  
Kristin K. Benton, DNP, RN  
Executive Director on behalf  
of said Board