



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                   §       AGREED  
License Number 247929                               §  
issued to KAY CARLENE HACKLER               §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KAY CARLENE HACKLER, Registered Nurse License Number 247929, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 6, 2012, by Katherine A. Thomas, MN, RN, Executive Director.

### 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 1, 1979. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1979.
5. Respondent's nursing employment history includes:

1979	Oncology Nurse Internship	St. Joseph Hospital Houston, Texas
------	---------------------------	---------------------------------------

Respondent's nursing employment history continued:

1980	Staff Nurse	Memorial Southwest Hospital Houston, Texas
1981 - 1991	Staff Nurse/Relief Charge Nurse	Medical Plaza Hospital Fort Worth, Texas
1991 - 1998	Clinic Nurse	Arlington Cancer Center Arlington, Texas
1998 - 2002	Staff Nurse	Texas Health Harris Methodist HEB Hospital Bedford, Texas
2002 - 2003	Radiation Oncology Staff Nurse	St. Paul Hospital Dallas, Texas
2003 - Unknown	Staff Nurse/Relief Charge Nurse	Texas Health Harris Methodist Hurst-Euless-Bedford (HEB) Hospital Bedford, Texas

6. At the time of the initial incident, Respondent was employed as an Oncology Nurse with Texas Health Harris Methodist HEB, Bedford, Texas, and had been in this position for seven (7) years.
7. On or about January 15, 2010, while employed with Texas Health Harris Methodist HEB, Bedford, Texas, Respondent pulled hard on the right arm of Patient NS, causing her pain. Additionally, Respondent's actions caused the patient's family to become distressed when they witnessed this incident. Respondent's conduct was likely to cause physical and emotional harm to the patient and the patient's family.
8. On or about February 23, 2010, while employed with Texas Health Harris Methodist HEB, Bedford, Texas, Respondent caused emotional distress to the family of Patient BS when she attempted to force the patient to swallow tablets by shaking the straw inside the patient's lips and spilling water on the patient. Additionally, Respondent then made the comment that talking to him was like Laurel and Hardy's "Who's on first base?" Respondent's conduct was likely to cause emotional harm to the patient and the patient's family.

9. In response to the incidents in Findings of Fact Numbers Seven (7) through Eight (8), Respondent states that she and her supervisor were attempting to move Patient NS to a wheelchair in order to transfer the patient to another facility. According to Respondent, the patient was agitated at the time and they were afraid she was going to fall so they secured her and guided her to a wheelchair. Respondent states that she handled this patient in a professional manner. Respondent states that she was attempting to administer pain medication to Patient BS, who was confused and spit out the medication and attempted to chew the pills. Respondent explains that she attempted to get the patient to swallow the medication with some water. Respondent adds that the patient's daughter was also in the room and was trying to give the patient instructions at the same time as Respondent. Respondent asserts that she made reference to Laurel and Hardy's "Who's on first base?" in an attempt to lighten the mood.

### 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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 247929, heretofore issued to KAY CARLENE HACKLER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses

stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, that 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 shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

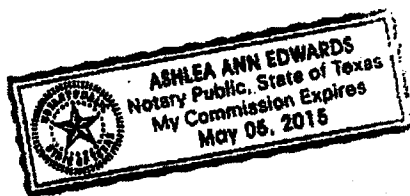
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24<sup>th</sup> day of JANUARY, 2012.

X Kay Carlene Hackler  
KAY CARLENE HACKLER, Respondent

Sworn to and subscribed before me this 24 day of JANUARY, 2012.

SEAL



Ashlea Edwards

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Shehad Malik  
Shehad Malik, Attorney for Respondent

Signed this 24<sup>th</sup> day of JANUARY 2012.

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 24<sup>th</sup> day of January, 2012, by KAY CARLENE HACKLER, Registered Nurse License Number 247929, and said Order is final.



Effective this 27<sup>th</sup> day of January, 2012.

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