



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

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In the Matter of Registered Nurse           §        AGREED  
License Number 751943, and                   §  
Vocational Nurse License Number 188982   §  
issued to KELLEY D. BOWERS               §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLEY D. BOWERS, Registered Nurse License Number 751943, and Vocational Nurse License Number 188982, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 1, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, 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. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, on December 14, 2007. Respondent received a Certificate in Vocational Nursing from Frank Phillips College, Borger, Texas, on May 15, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 28, 2008, and Respondent was licensed to practice vocational nursing in the State of Texas on June 9, 2003.

5. Respondent's nursing employment history includes:

5/2003 - 9/2005	Unknown	
10/2005 - 12/2007	Staff Nurse	Pampa Regional Medical Center Pampa, Texas
1/2008 - 12/2008	Unknown	
1/2009 - 7/2009	Staff Nurse	Baptist St. Anthony Healthcare System Amarillo, Texas
8/2009	Unknown	
9/2009 - Present	Staff Nurse	TLC Home Healthcare Amarillo, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a staff nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, and had been in this position for five (5) months.

7. On or about May 23, 2009, while employed as a Staff Nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, Respondent failed to correctly administer a Heparin drip to Patient MR# 429492, resulting in a prolonged interruption of the administration. At 10:45 AM, Respondent received lab results that indicated the Partial Thromboplastin Time (PTT) for Patient MR# 429492 exceeded 250 seconds, which was higher than the cutoff limit of 135 seconds. Per protocol, Respondent stopped the Heparin drip, however, she failed to restart the Heparin drip within one (1) hour, as required. Additionally, Respondent failed to document the time that she restarted the Heparin, which was discovered at 1900 by oncoming staff. Respondent's conduct resulted in an inaccurate medical record, which subsequent care givers would rely on to provide further patient care, and may have resulted in the patient experiencing a sub-therapeutic PTT level for an extended period of time.

8. Respondent states she had never been educated in the proper use of Heparin prior to being hired by this facility. Respondent also states she recalls that this patient was on dialysis, had a Heparin drip, and that the lab came and drew blood to check the Heparin levels prior to the patient going for his first dialysis treatment. Respondent states that while the patient was gone to dialysis the lab called and informed her the Heparin levels were "critically high" so she called the charge nurse for instructions and was told to call the dialysis unit and tell them to stop the Heparin drip. However, the patient was already on his way back to the floor. According to Respondent, when the patient returned to his room, she checked to be sure the

drip was off and waited for the lab to come draw new blood samples to check the Heparin levels post dialysis. When the lab had not come after an hour, Respondent states she asked the Charge nurse if the Heparin drip should be started. Respondent contends that over two hours later, the lab personnel drew the sample and it was decided that the Heparin should have been started at the one hour point. Respondent asserts that the Charge Nurse instructed her to fill out a medication error report, which she did and included on the form that she had requested education regarding Heparin drips.

9. At the time of the incident in Finding of Fact Number Seven (10), Respondent was employed as a staff nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, and had been in this position for six (6) months.
10. On or about June 27, 2009, while employed as a Staff Nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, Respondent improperly prepared Clindamycin 600mg/D5W100 by failing to mix it prior to administration to Patient MR#785710. According to the directions for administration, this medication should have been mixed with D5W before administering the antibiotic mixture to the patient. Respondent's conduct resulted in the patient receiving D5W without Clindamycin and therefore the patient was likely to receive non-efficacious treatment due to sub-therapeutic levels of antibiotic medication.
11. Respondent states she does not remember this incident and the only thing she can think is that it was one of the medications where the nurse is required to pop the cap off and mix the medication with the IV fluid in a self-contained bag. Respondent states she may not have gotten the cap all the way off, or she may have thought it was open but it wasn't.
12. At the time of the incident in Finding of Fact Number Thirteen (13), Respondent was employed as a staff nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, and had been in this position for seven (7) months.
13. On or about July 1, 2009, while employed as a Staff Nurse with Baptist St. Anthony Health Care System, Amarillo, Texas, Respondent failed to initiate a Prednisone order in a timely manner for Patient MR#773860, in that the physician ordered, "Prednisone 40mg PO now," at 15:50pm (noted by Respondent at 17:45pm), but it was not administered until July 2, 2009 at 01:30am, ten (10) hours later. Respondent's conduct deprived the patient of receiving medication in a timely manner and could have resulted in the patient experiencing complications from sub-therapeutic levels of medication.
14. Respondent states she does not recall this incident.

## 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
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 751943, and Vocational Nurse License Number 188982, heretofore issued to Kelly D. Bowers, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 Texas Board of Nursing 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6)

hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.state.tx.us/disciplinaryaction/stipscourses.html>

(4) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64)**

**HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT 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 RESPONDENT, 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 experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 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 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 19<sup>th</sup> day of December, 2011.

Kelley D Bowers  
KELLEY D. BOWERS, Respondent

Sworn to and subscribed before me this 19 day of December, 2011.

SEAL

ROSA MARIA MIRAMONTES  
BENTON COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires April 30, 2020  
Commission No. 12378417

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

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19<sup>th</sup> day of December, 2011, by KELLEY D. BOWERS, Registered Nurse License Number 751943, and Vocational Nurse License Number 188982, and said Order is final.

Effective this 14th day of February, 2012.



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