



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 426724 §
 issued to CAROL S. RICKARD WEBB § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROL S. RICKARD WEBB, Registered Nurse License Number 426724, 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 May 15, 2009, 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.
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.
4. Respondent received an Associate Degree in Nursing from Cameron College, Lawton, Oklahoma, on May 14, 1972, and received a Certificate from the Harris Methodist Hospital School of Nurse Anesthesia, Houston, Texas, on February 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on December 12, 1972, and became Board recognized as a Nurse Anesthetist in the State of Texas on November 20, 1987.
5. Respondent's nursing employment history includes:

12/1972 - 3/1992	Unknown
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Respondent's nursing employment history continued:

4/1992 - 6/2006 Chief Nurse Anesthetist Ophthalmology Associates
Ft. Worth, Texas

7/2006 - Present Unknown

6. At the time of the initial incident, Respondent was employed as Chief Nurse Anesthetist with Ophthalmology Associates, Ft. Worth, Texas, and had been in this position for eight (8) years and ten (10) months.
7. On or about February 17, 2001, through May 3, 2006, while employed as Chief Nurse Anesthetist with Ophthalmology Associates, Ft. Worth, Texas, Respondent locally anesthetized the wrong eye of five (5) different patients who were to undergo surgical procedures. In all five (5) instances, the error was caught before the surgical procedure began. Respondent's conduct was likely to injure patients from wrong-site surgical procedures.
8. On or about February 13, 2006, while employed as Chief Nurse Anesthetist with Ophthalmology Associates, Ft. Worth, Texas, and providing anesthesia services at Ft. Worth Surgery Center, Ft. Worth, Texas, Respondent failed to ensure that Patient Number 18698 was adequately monitored and assessed, including that the monitoring alarms were set to audible, as required by the facility's policy and procedure, while the patient underwent a peribulbar left eye block performed by another nurse anesthetist. Although Respondent did not administer the eye block herself and was not herself monitoring the patient, she signed the anesthesia record as one of the two (2) nurse anesthetists providing anesthesia to the patient; was in the room at the time doing other administrative work; and had performed the patient's right eye block three (3) weeks earlier when the patient had not yet fully recovered from the anesthesia an hour after it was administered. Twenty-five (25) minutes after the other nurse anesthetist administered the anesthesia, the patient was found to be unresponsive and cyanotic, and was pronounced deceased thirty (30) minutes later after attempted resuscitation was unsuccessful. Respondent's conduct may have contributed to the patient's demise.
9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she was not involved in setting the monitor's alarms on the date in question, and that she only became involved upon overhearing a Licensed Vocational Nurse (LVN) when the LVN noted changes in the patient's color. According to Respondent, it was at that time that she went to the patient and began the assessment and intervention process.

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(3)&(5)[*eff. 9/1999-9/27/04*], 217.11(1)(B),(1)(U)&(3)(A)[*eff. 9/28/04*], 217.12(3)&(5)[*eff. 9/1999-9/27/04*], and 217.12(1)(B)&(4)[*eff. 9/28/04*].
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 426724, heretofore issued to CAROL S. RICKARD WEBB, including revocation of Respondent's license to practice professional 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 REPRIMAND 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 this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 deliver the wallet-sized license issued to CAROL S. RICKARD WEBB, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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>.*

(3) 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. *Information regarding this workshop may be found at the following web address: <http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

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 TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WITH ADVANCED PRACTICE AUTHORIZATION AS A NURSE ANESTHETIST WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. 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. 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.

(5) 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.

(6) Should RESPONDENT choose to work as a Nurse Anesthetist, RESPONDENT'S practice of professional nursing will be monitored for two (2) years by an Anesthesiologist or Certified Registered Nurse Anesthetist who has been approved by the Board. Respondent must provide a list of three (3) Anesthesiologists and/or three (3) Certified Registered Nurse Anesthetists for the Board to select. For the Anesthesiologist and/or Certified Registered Nurse Anesthetist, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) month period for the two (2) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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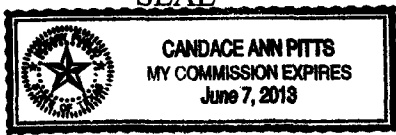
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RESPONDENT'S CERTIFICATION

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.


Signed this 1 day of July, 2009.
Carol S. Rickard Webb
CAROL S. RICKARD WEBB, Respondent

Sworn to and subscribed before me this 1st day of July, 2009.
Candace Ann Pitts
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 that was signed on the 1ST day of July, 2009, by CAROL S. RICKARD WEBB, Registered Nurse License Number 426724, and said Order is final.

Effective this 18TH day of August, 2009.


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