



BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of § AGREED ORDER  
Registered Nurse License Number 703975 §  
issued to JENNIFER KEY/RUTH SMITH § FOR DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER KEY/RUTH SMITH, Registered Nurse License Number 703975, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 31, 2014.

## 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 an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on March 15, 2004. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 2004.
5. Respondent's nursing employment history includes:

03/04-08/12	RN	Texas Health Harris Methodist Hospital Fort Worth, Texas
09/12-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Texas Health Harris Methodist Hospital, Fort Worth, Texas, and had been in this position for approximately eight (8) years and three (3) months.
7. On or about June 23, 2012, and July 10, 2012, while employed as a Registered Nurse with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent withdrew two (2) vials of Hydromorphone from the medication dispensing system for Patient Medical Record Number 686961, but failed to document, or completely and accurately document the administration of the Hydromorphone, including signs, symptoms, and responses to the medication in the patients medication administration records and/or nurses notes. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about June 23, 2012, through July 10, 2012, while employed as a Registered Nurse with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent withdrew one (1) vial of Lorazepam 2mg, and five (5) vials of Hydromorphone 4mg from the medication dispensing system for Patient Medical Record Numbers 686961, 706710, and 691020, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about June 23, 2012, through July 10, 2012, while employed as a Registered Nurse with Texas Health Harris Methodist Hospital, Fort Worth, Texas, Respondent failed to take precautions to prevent the misappropriation of Lorazepam and Hydromorphone belonging to the facility or patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states she did appropriately dispense and waste narcotics during the time frame. Additionally, Respondent states she was drug tested and found to be negative for drugs, it appears that Texas Health Harris Methodist Hospital not only jumped to conclusions about the circumstances, but did not properly follow accepted standards for handling situations such as these.

#### 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) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (1)(C), (4), (6)(G), (10)(B), (10)(C) & (11)(B).
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 703975, heretofore issued to JENNIFER KEY/RUTH SMITH, 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 a REMEDIAL EDUCATION, DEFERRED, 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 and ORDERED that RESPONDENT SHALL not commit any violation of 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. for a period of five (5) years from the date of this Order.

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/compliance>.

(2) 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.texas.gov/compliance>.*

(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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

IT IS FURTHER AGREED, that upon successful completion of Stipulations Numbers One (1) through Three (3) 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.

IT IS FURTHER AGREED, that upon the successful completion of the required period of deferral, the complaint or complaints which formed the basis for this action will be

dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

IT IS FURTHER AGREED that until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

IT IS FURTHER AGREED and ORDERED that should an additional allegation, complaint, accusation, or petition be reported or filed against Respondent prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

IT IS FURTHER AGREED that should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

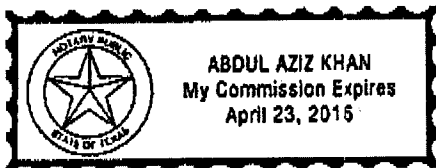
RESPONDENT'S CERTIFICATION

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 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, the Board may stay the dismissal of the complaint filed against me, and that I will be subject to investigation and possible disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of May, 20 14.  
Jennifer Key Ruth Smith  
JENNIFER KEY/RUTH SMITH, Respondent

Sworn to and subscribed before me this 13 day of May, 20 14.

SEAL



Al Chan  
Notary Public in and for the State of Texas


Approved as to form and substance.

Jeffrey C. Grass, Esq.  
Jeffrey C. Grass, Attorney for Respondent

Signed this 15th day of May, 20 14

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 13<sup>th</sup> day of May, 20 14, by JENNIFER KEY/RUTH SMITH, Registered Nurse License Number 703975, and said Order is final.

Effective this 16<sup>th</sup> day of May, 20 14.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

---

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