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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 552356, issued to §
MICHELLE LEANNE ORTH-HUTCHINSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHELLE LEANNE ORTH-HUTCHINSON, Registered Nurse License Number 552356, 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)(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 13, 2015.

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 Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Columbus State Community College, Columbus, Ohio, on September 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on April 26, 1989.
5. Respondent's nursing employment history includes:

10/1987 - 7/1989	Assistant Nurse Manager	Grant Medical Center Columbus, Ohio
7/1989 - 1/1994	Clinical Nurse	American Nursing Service Chicago, Illinois

Respondent's nursing employment history continued:

6/1990 - 5/1994	Utilization Medical Review Specialist II	Intracorp (Utilization) Seattle, Washington
6/1993 - 6/1994	Clinical Nurse Level 2 (Homecare)	HealthCor New York, New York
10/1994 - 11/1997	Clinical Adviser	Medical Benefits Fund Airport West, VIC
2/1999 - 10/1999	Claims Officer	Suncorp-Metway CTP Sidney South, NSW
1/1997 - 10/1999	Agency Nurse	Riverview Private Hospital Strathpine, QLD
1/1998 - 12/2001	Agency Nurse	Northern Nursing Service Stones Corner, QLD
1/2002 - 1/2003	Staff Nurse	Regis Crana Nursing Home Herston, QLD
1/2003 - 7/2004	Supervisor Staff Nurse	Queensland Rehabilitation Services Rockhampton, QLD
12/2004 - 12/2006	Staff Nurse	Village of Westerville Westerville, Ohio
2/2005 - 2/2006	Staff Nurse	American Health Holding New Albany, Ohio
2/2006 - 10/2006	Case Manager	Ohio National Guard Columbus, Ohio
1/2006 - 12/2008	Field Case Manager	University Options Care Columbus, Ohio
3/2009 - 1/2010	Field Nurse	Priority Health Home Care Cleveland, Ohio
4/2010 - 5/2010	Nurse Consultant	Wexner Heritage Village Columbus, Ohio
11/2010 - 3/2011	Utilization Review Nurse	Prestige Staffing Dallas, Texas

Respondent's nursing employment history continued:

7/2011 - 5/2012	Disease Management Nurse	Healthways San Antonio, Texas
5/2012 - 10/2012	Staff Nurse	Fe Care, Inc. Garden Ridge, Texas
11/2012 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a staff nurse with Fe Care, Inc., Garden Ridge, Texas, and had been in this position for five (5) months.
7. On or about September 4, 2012, through September 6, 2012, while employed with Fe Care, Inc., Garden Ridge, Texas, and responsible for the patients at Bishop House, and the care of Patient RR, Respondent failed to assess and intervene when the patient began experiencing an allergic reaction to Topamax that worsened over the course of three (3) days. Respondent failed to go to the home despite the Direct Care Staff's reports of concerns about the patient's condition. On September 6, 2012, the Patient was transferred to the University Hospital, San Antonio, Texas, then transferred to Brooke Army Medical Center (BAMC), Burn Unit, San Antonio, Texas, where he was diagnosed with Toxic Epidermal Necrolysis and expired on September 8, 2012. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications due to undiagnosed and, consequently, untreated disease processes which may have contributed to his demise.
8. In response to Finding of Fact Seven (7), Respondent submits the following response. While employed by Fe Care, Inc. my job required that I work remotely to respond to telephone calls from nursing and direct care staff regarding the care of residents at the Bishop House. I was initially contacted on Saturday, September 1, 2012 regarding Patient RR who presented with what appeared to be a common fever. I recommended to staff that in-home treatments be utilized — such as cold showers, rest, and ibuprofen — over the weekend. During the weekend I remotely monitored his condition. After RR's fever had not normalized, I immediately referred RR to his primary care physician, Dr. Gruesbeck, on September 4, 2012 to be evaluated for diagnosis and treatment of his symptoms. Dr. Gruesbeck concluded that RR possibly had an allergic reaction to a prescription of Topamax that had been prescribed to him in August. Fe Care, Inc. nursing staff was apprised of the diagnosis and treatment plan which included a prednisone pack. On September 5, 2012, I spoke with Fe Care, Inc. staff regarding RR's condition and recommended that Tylenol may improve his lingering fever. The following day, September 6, 2012, I was informed by Fe Care, Inc. staff that RR had a rash on his arms and back. I visited RR in person, and, after inspecting his condition, immediately had RR transported to the Guadalupe County Regional Medical Center Emergency Room. RR was then sent to University Medical Center and Brook Army Medical Center (BAMC). Despite an initial diagnosis of Toxic Epidermal Necrolysis, a very rare condition, pathologists at BAMC determined that the evidence did not support that diagnosis and the cause of his expiration was unknown.

9. Formal Charges were filed on April 29, 2014.
10. Formal Charges were mailed to Respondent on April 30, 2014.

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)(M),(1)(P)&(3)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 552356, heretofore issued to MICHELLE LEANNE ORTH-HUTCHINSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. 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 courses and video programs will not be approved.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **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/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.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a physician; 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. Direct supervision requires the physician or another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a physician; 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 physician or nurse are 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. If being supervised by a nurse, 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.
- E. **Nursing Performance Evaluations:** 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 physician or nurse who supervises the RESPONDENT and these reports shall be submitted by the physician or supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

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 may be eligible for nurse licensure compact privileges, if any.

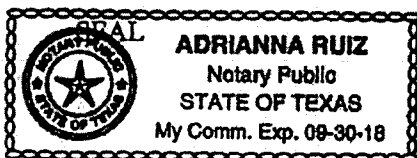
RESPONDENT'S CERTIFICATION

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(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 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of January, 2015.

Michelle Leanne Orth-Hutchinson
MICHELLE LEANNE ORTH-HUTCHINSON, Respondent

Sworn to and subscribed before me this 26 day of January, 2015.



Adrianna Ruiz
Notary Public in and for the State of Texas

Approved as to form and substance.

Matthew S. Dorsen
Matthew S. Dorsen, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of January, 2015, by MICHELLELEANNE ORTH-HUTCHINSON, Registered Nurse License Number 552356, and said Order is final.

Effective this 10th day of March, 2015.



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