

BEFORE THE TEXAS BOARD OF NURSING



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

In the Matter of § AGREED
Registered Nurse License Number 840375 §
issued to KELSEY MICHAELA SMITH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KELSEY MICHAELA SMITH, Registered Nurse License Number 840375, 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 notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 24, 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 a Diploma from the Covenant School of Nursing on May 31, 2013. Respondent was licensed to practice professional nursing in the State of Texas on July 9, 2013.
5. Respondent's nursing employment history includes:

7/2013 - 5/2014	Staff RN	Covenant Medical Center Lubbock, Texas
6/2014 - Present	Staff RN	Calvert Home Health Lubbock, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, and had been in that position for ten (10) months.
7. On or about May 25, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent inaccurately documented in the medical record for Patient Medical Record MA0083975075 that the patient had a chest tube and an indwelling urinary catheter when he did not. Respondent's conduct was misleading to subsequent care givers and would likely confuse them.
8. On or about May 25, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent failed to document a nursing assessment in the medical record for Patient Medical Record MA0084018295. Respondent's conduct deprived subsequent caregivers of vital information regarding the patient's status and placed the patient at risk of inappropriate or untimely medical interventions.
9. On or about May 28, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent failed to document a complete nursing admission assessment and complete pain assessments in the medical record for Patient Medical Record MA0084043885. Additionally, the Respondent failed to document a surgical site assessment in the medical record of this patient. Respondent's conduct deprived subsequent caregivers of vital information regarding the patient's status and placed the patient at risk of inappropriate or untimely medical interventions.
10. On or about May 28, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent failed to document a nursing assessment in the medical record for Patient Medical Record MA0083921994. Respondent's conduct deprived subsequent caregivers of vital information regarding the patient's status and placed the patient at risk of inappropriate or untimely medical interventions.
11. On or about May 28, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent inaccurately documented in the medical record for Patient Medical Record MA0083876255 that the patient had an indwelling urinary catheter when he did not. Respondent's conduct was misleading to subsequent care givers and would likely confuse them. Additionally, Respondent failed to administer Vancomycin, IV, and Zosyn, IV, as scheduled to this patient. However, Respondent inaccurately documented in the medical record for this patient that she administered the medications at the scheduled times. Respondent's conduct was likely to injure the patient due to the increased risks of complications associated with administering medications at non-scheduled times.
12. On or about May 28, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent inaccurately documented in the medical record for Patient Medical Record MA0083924217 that the patient had a nasogastric tube and an indwelling urinary catheter when he did not. Respondent's conduct was misleading to subsequent care givers and would likely confuse them.

13. On or about May 28, 2014, while employed as a Staff Registered Nurse (RN) with Covenant Medical Center, Lubbock, Texas, Respondent failed to administer Flagyl, IV, and Vancomycin, IV, as scheduled, to Patient Medical Record MA0084024716, and inaccurately documented in the medical record for this patient that she administered the medications at the scheduled times. Respondent's conduct was likely to injure the patient due to the increased risks of complications associated with administering medications at non-scheduled times.
14. In response to Findings of Fact Numbers Seven (7) through Thirteen (13), Respondent states regarding Patient Medical Record MA0083975075, she went to document the patient's information and it had recalled all the previous information entered and it was correctly documented that the chest tube and the Foley catheter had been removed. Respondent states Patient Medical Record MA0084018295 was assessed and medication administered. Respondent states Patient Medical Record MA0084043885 returned from the operating room to the unit around noon and she did not make a complete assessment since the patient was asleep. States she provided pain medication to the patient once she woke up and complained of pain. Respondent states she did assess Patient Medical Record MA0083921994 and everything that needed to be completed was highlighted pink and if the day shift completed their entry late it made it look like there wasn't anything for her to complete or that she had already completed it. Respondent states the patient information in the electronic chart pulled information from another time for Patient Medical Record MA0083876255 and that she administered the antibiotic late but meditech automatically entered the scheduled time. Respondent states to document the correct time she would have had to manually change the time. Respondent states that the electronic chart pulled information from another time for Patient Medical Record MA0083924217 and, regarding Patient Medical Record MA0084024716, Respondent states she was late administering the antibiotic and the program automatically put in the scheduled time and she would have to go back into the system and manually enter the correct time.

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)(C),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).
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 840375, heretofore issued to KELSEY MICHAELA SMITH.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING 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 medication administration** 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 be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. 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.
- D. A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- E. 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.*

IV. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Monitored Home Health Practice:** RESPONDENT'S home health nursing practice nursing will be monitored by a Registered Nurse Consultant proficient in the area of home health nursing approved by the Board. RESPONDENT MUST, within ten (10) days of employment in the area of home health nursing, provide to the Board a list of three (3) potential Registered Nurse Consultants, including name, license number, educational experience, and work experience for each. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the Registered Nurse Consultant selected by the Board. The Registered Nurse Consultant must identify and document individualized goals and objectives, resources to be utilized, and the methods to be used to determine successful completion of the monitoring period relative to the

violations identified in this Order. RESPONDENT SHALL meet with the Registered Nurse Consultant at least twice a month, for a minimum of one (1) hour each session. Meetings may be longer and more frequent if the monitor determines necessary. If either improvement of documentation and/or physical assessment skills is a goal or objective of the monitoring, RESPONDENT SHALL perform assessments on and document assessment findings for live patients. Performing assessments on and documenting findings for mock patients or mannequins WILL NOT be accepted. Multiple employers are prohibited.

- D. Nursing Performance Reports:** RESPONDENT SHALL ensure that the Registered Nurse Consultant monitoring Respondent's practice submits reports addressing Respondent's progress toward achievement of the identified monitoring goals and objectives to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] 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.

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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.

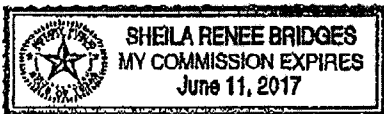
Signed this 21st day of July, 2015.

Kel Smith RW
KELSEY MICHAELA SMITH, Respondent
Michaela

Sworn to and subscribed before me this 21st day of July, 2015.

SEAL

Sheila Renee Bridges
Notary Public in and for the State of Texas



Approved as to form and substance.

Jonathan Wu For
Nicole Goldstein, Attorney for Respondent

Signed this 21st day of July, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of July, 2015, by KELSEY MICHAELA SMITH, Registered Nurse License Number 840375, and said Order is final.

Effective this 11th day of August, 2015.



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