

IN THE MATTER OF PERMANENT
PERMANENT REGISTERED NURSE
LICENSE NUMBER 512295
ISSUED TO KATHRYN ANN SMITH,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE



Executive Director of the Board

Patricia Thomas

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.

ORDER OF THE BOARD

TO: KATHRYN ANN SMITH
8787 SIENNA SPRINGS BLVD, #128
MISSOURI CITY, TX 77459

During open meeting held in Austin, Texas, on **Tuesday, August 11, 2015**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that, Permanent Registered Nurse License Number 512295, previously issued to KATHRYN ANN SMITH, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11th day of August, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed June 3, 2015.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 512295
Issued to KATHRYN ANN SMITH
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of August, 2015, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s),

as follows:

Via USPS Certified Mail, Return Receipt Requested

KATHRYN ANN SMITH
8787 SIENNA SPRINGS BLVD, #128
MISSOURI CITY, TX 77459

Via USPS First Class Mail

KATHRYN ANN SMITH
8787 SIENNA SPRINGS BLVD, #128
MISSOURI CITY, TX 77459



BY: _____

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 512295 §
Issued to KATHRYN ANN SMITH, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KATHRYN ANN SMITH, is a Registered Nurse holding License Number 512295 which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 17, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on January 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulations Number One (1), of the order which reads, in pertinent part:

- (1) "RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 16, 2014, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about January 17, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on January 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulations Number Two (2), of the order which reads, in pertinent part:

- (2) "RESPONDENT SHALL, within one (1) year of this Order, successfully complete a course in physical assessment..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 16, 2014, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about January 17, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on January 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulations Number Three (3), of the order which reads, in pertinent part:

- (3) "RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 16, 2014, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE IV.

On or about January 17, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on January 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulations Number Four (4), of the order which reads, in pertinent part:

- (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..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 16, 2014, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General

or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).


NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated January 16, 2014.

Filed this 3rd day of June, 2015.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Natalie E. Adelaja, Assistant General Counsel
State Bar No. 24064715
John R. Griffith, Assistant General Counsel
State Bar No. 24079751
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated January 16, 2014

D(2015.02.24)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 512295 §
issued to KATHRYN ANN SMITH § FOR DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATHRYN ANN SMITH, Registered Nurse License Number 512295, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 15, 2013.

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.
4. Respondent received a Diploma in Nursing from the Research Hospital School of Nursing, Kansas City, Missouri, in 1973, and received an Associate Degree in Nursing from Penn Valley Community College, Kansas City, Missouri, on December 1, 1978. Respondent was licensed to practice professional nursing in the State of Missouri in February 1979, and was licensed to practice professional nursing in the State of Texas on February 17, 1984.
5. Respondent's nursing employment history includes:

11/1975-11/1982	Staff Nurse	Children's Mercy Hospital Kansas City, Missouri
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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

Respondent's nursing employment history continued:

1/1982-2/1984	Relief Duty Nurse	Ford Motor Company Claycomo, Missouri
1/1982-2/1984	Staff Nurse	Truman Medical Center Kansas City, Missouri
12/1982-11/1983	Private Duty Nurse	Meyer Care Inc. Kansas City, Missouri
3/1984-9/1985	Staff Nurse	Texas Children's Hospital Houston, Texas
10/1985-5/1987	Staff Nurse	Humana Hospital Baytown Baytown, Texas
9/1986-12/1986	Private Duty Nurse	MBM Nursing Service Houston, Texas
4/1987-8/2001	Utilization Review Nurse	NYL Care Health Plans of the Gulf Coast Houston, Texas
9/1987-2/1988	Private Duty Nurse	Intracare Pharmacy Houston, Texas
4/1988-9/1988	Private Duty Nurse	Allcare Inc. Houston, Texas
9/2001-9/2002	Utilization Review Nurse	AmCare Management Inc. Houston, Texas
10/2002-8/2012	Case Manager	Texas Children's Health Plan Houston, Texas
3/2003-9/2003	Private Duty Nurse	Denson Home Health Inc. Houston, Texas
10/2012-5/2013	Case Manager	Integranet Medical Management Houston, Texas
6/2013- Present		Unknown

6. At the time of the initial incident, Respondent was employed as a Case Manager with Integranet Medical Management, Houston, Texas, and had been in this position for three (3) months.
7. On or about January 21, 2013, while employed as a Case Manager with Integranet Medical Management, Houston, Texas, Respondent failed to adequately assess Patient R. V., who had complained of auditory hallucinations, for the presence of command hallucinations to harm himself or others. Respondent's conduct unnecessarily exposed the patient to a risk of harm from possible self injurious behaviors due to untreated psychosis.
8. On or about January 22, 2013, while employed as a Case Manager with Integranet Medical Management, Houston, Texas, Respondent failed to attempt further contact after being unable to reach the aforementioned Patient R. V. for follow up by phone. Additionally, Respondent failed to document in the medical record her unsuccessful attempt to contact the patient for follow up. Respondent's conduct resulted in an incomplete medical record and exposed the patient to risk of harm in that subsequent care givers did not have accurate and complete information on which to base their decisions for further care.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that the patient spoke of having auditory hallucinations in the past but was not experiencing them currently when she spoke to him on the phone, and that she referred him to the emergency room for a psychiatric evaluation. Respondent states that she called the patient's primary care physician that same day and was told the doctor's office would contact the patient and follow up. Respondent states that she attempted to reach the patient the following day by phone but received no answer.

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),(1)(M)&(3)(A) and 217.12(1)(B)&(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 512295, heretofore issued to KATHRYN ANN 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/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course

shall cover all systems of the body. 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. 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.texas.gov/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.texas.gov/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, that upon successful completion of Stipulations Numbers One (1) through Four (4) 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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

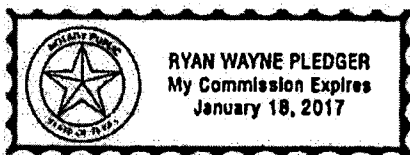
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I 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 22 day of October, 2013

Kathryn Ann Smith
KATHRYN ANN SMITH, Respondent

Sworn to and subscribed before me this 22 day of November, 2013.

SEAL



R. W. Pledger
Notary Public in and for the State of Texas

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 22nd day of November, 2013, by KATHRYN ANN SMITH, Registered Nurse License Number 512295, and said Order is final.

Effective this 16th day of January, 2014.



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