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*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 715064	§	
& Vocational Nurse License Number 128076	§	
issued to KATHRINE LEE MCDONOUGH	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATHRINE LEE MCDONOUGH, Registered Nurse License Number 715064 and Vocational Nurse License Number 128076, 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 October 19, 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 professional nursing in the State of Texas is in inactive status. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas, on December 29, 1989, and received an Associate Degree in Nursing from Tulsa Community College, Tulsa, Oklahoma, on May 7, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 1990, and was licensed to practice professional nursing in the State of Texas on April 25, 2005.

5. Respondent's nursing employment history includes:

5/1990 - 9/1991	Staff Nurse	Bayshore Medical Center Pasadena, Texas
10/1991 - 10/1992	Staff Nurse	Bellaire General Hospital Houston, Texas
10/1992 - 1/1996	Staff Nurse	Memorial Health System Southwest Houston, Texas
2/1996-9/1996		Unknown
10/1996 - 3/2005	Staff Nurse	Healthsouth Rehabilitation Hospital/Meadowbrook Specialty Hospital Tulsa, Oklahoma
12/1996 - 11/1997	Staff Nurse	St. Francis Medical Center Tulsa, Oklahoma
8/2001 - 12/2003	Staff Nurse	St. John Medical Center Tulsa, Oklahoma
5/2004 - 4/2005	Staff Nurse	Hillcrest Medical Center Tulsa, Oklahoma
5/2005 - 6/2005		Unknown
7/2005 - 3/2009	Charge Nurse/ Assistant Manager	Christus Sphon Shoreline Corpus Christi, Texas
3/2009 - 5/2011	Case Manager/ Nurse Manager/ Assessment Coordinator	Christus Sphon Shoreline Corpus Christi, Texas
6/2011 - 8/2011		Unknown
9/2011 - 6/2013	Charge Nurse	Fresenius Medical Care Tyler, Texas
7/2013 - 3/2014	Home Health Nurse	Maxim Healthcare Services Tyler, Texas
4/2014 - Present		Unknown

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with Maxim Healthcare Services, Tyler, Texas, and had been in this position for seven (7) months.
7. On or about February 24, 2014, while employed as a Home Health Nurse with Maxim Healthcare Services, Tyler, Texas, Respondent failed to monitor Patient Number 521335555 and intervene when the patient experienced a seizure. Respondent's conduct was likely to injure the patient from unimplemented seizure precautions to protect patient airway, prevent aspiration, and provide supplemental oxygen as needed.
8. On or about February 24, 2014, while employed as a Home Health Nurse with Maxim Healthcare Services, Tyler, Texas, Respondent failed to document the seizure activity of the aforementioned Patient Number 521335555 in the patient's medical record. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have reliable information on which to base their care decisions.
9. On or about February 24, 2014, while employed as a Home Health Nurse with Maxim Healthcare Services, Tyler, Texas, Respondent failed to reposition the aforementioned Patient Number 521335555 every two (2) hours per the physician's order. Respondent's conduct was likely to injure the patient from a risk of impaired skin integrity, breakdown, and pressure ulcers.
10. On or about February 24, 2014, while employed as a Home Health Nurse with Maxim Healthcare Services, Tyler, Texas, Respondent falsely documented in the medical record of the aforementioned Patient Number 521335555 that from 1440 to 1708 she attended to the patient, including providing perineal care, gastrostomy button care, diaper and vesicostomy pad change, and medication administration. Respondent, while present with the patient during this period of time, provided no direct care to the patient during this time. Prior to, and following, this time period, Respondent does provide care to the patient. Respondent's documentation was deceptive and resulted in an inaccurate medical record, which was likely to injure the patient in that subsequent care givers would not have reliable information on which to base their care decisions.
11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent states that the patient was turned every two (2) hours except when he was sleeping per the mother's request. Respondent states that the patient weighed sixty-eight (68) pounds, and due to her previous spinal fusion, she was unable to lift anything greater than fifty (50) pounds. The patient's mother was aware of Respondent's weight lifting limitations, and while there was a Hoyer lift on the property, the mother did not want it to be used. Despite these limitations, Respondent states she was able to turn the patient as much as the recliner he was sitting in would allow. Respondent did not note the patient having a seizure, but his oxygen saturation was ninety-three (93) percent throughout her shift. In addition, the Respondent indicates that the patient's vesicostomy drained continuously drained continuously, and thus it was not necessary to check it and the pads hourly.

12. Formal Charges were filed on November 13, 2014.
13. Formal Charges were mailed to Respondent on November 17, 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, pursuant to 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(6)(A), to institute disciplinary action.
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to initiate disciplinary action against Registered Nurse License Number 715064 and Vocational Nurse License Number 128076, heretofore issued to KATHRINE LEE MCDONOUGH.
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** and Respondent's license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to satisfy all then existing requirements for reactivation and RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had Respondent not chosen to inactivate his/her nursing license(s).

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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 22 day of October, 20 15.  
Kathrine Lee McDonough  
KATHRINE LEE MCDONOUGH, Respondent

Sworn to and subscribed before me this 22 day of October, 20 15.

SEAL

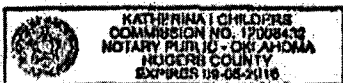
Katharina J. Childers

Notary Public in and for the State of Oklahoma

Approved as to form and substance.

Aco Pickens  
Aco Pickens, Attorney for Respondent

Signed this 22nd day of October, 20 15.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of October, 2015, by KATHRINE LEE MCDONOUGH, Registered Nurse License Number 715064 and Vocational Nurse License Number 128076, and said Order is final.

Effective this 8th day of December, 2015.

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

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