



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.
William J. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 779846	§	
issued to ANN MAUREEN MCCARTHY	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ANN MAUREEN MCCARTHY, Registered Nurse License Number 779846, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on January 5, 2016, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Dan Lype, Attorney at Law.

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 Tarrant Community Junior College, Fort Worth, Texas, on December 4, 2009, and received a Baccalaureate Degree in Nursing from Grand Canyon University, Phoenix, Arizona, on February 1, 2014. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 2010.
5. Respondent's nursing employment history includes:

01/10 - 09/11

RN/

Charge Nurse

Baylor All Saints Medical Center
Fort Worth, Texas

Respondent's nursing employment history continued:

09/11 - 12/12	RN/ Charge Nurse	Baylor Medical Center of Carrollton Carrollton, Texas
01/13 - 06/14	Nursing Supervisor ED	Baylor Medical Center of Carrollton Carrollton, Texas
06/14 - 01/15	RN ED	Doctors Hospital at White Rock Lake Dallas, Texas
01/15 - 02/15	Nursing Supervisor ED	Doctors Hospital at White Rock Lake Dallas, Texas
03/15 - Present	PRN RN ED	First Choice Emergency Room Highland Village, Texas
03/15 - 11/15	RN ED	Elite Care Emergency Room The Colony, Texas
11/15 - Present	RN ICU	USMD Hospital Arlington, Texas

6. At the time of the incident, Respondent was employed as a Nursing Supervisor with Doctors Hospital at White Rock Lake, Dallas, Texas, and had been in that position for one (1) month.
7. On January 15, 2015, through January 31, 2015, while employed as a Nursing Supervisor in the Emergency Department of Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent withdrew one (1) syringe of Morphine Sulfate 4mg/1ml, one (1) syringe of Morphine Sulfate 2mg/1ml, two (2) syringes of Lorazepam 2mg/1ml, and one (1) tab of Percocet 5mg/325mg from the medication dispensing system for patients without physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On January 15, 2015, through January 31, 2015, while employed as a Registered Nurse in the Emergency Department of Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent withdrew two (2) syringes of Morphine Sulfate 4mg/1ml, one (1) syringe of Morphine Sulfate 2mg/1ml, three (3) syringes of Lorazepam 2mg/1ml, and one (1) tab of Percocet 5mg/325mg from the medication dispensing system for patients, but failed to document and/or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurses' Notes.

Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On January 15, 2015, through February 1, 2015, while employed as a Registered Nurse in the Emergency Department of Doctors Hospital at White Rock Lake, Dallas, Texas, Respondent withdrew one (1) syringe of Morphine Sulfate 4mg/1ml, one (1) syringe of Morphine Sulfate 2mg/1ml, one (1) syringe of Lorazepam 2mg/1ml, and one (1) tab of Percocet 5mg/325mg from the medication dispensing system for patients, but failed to follow the facility's policy and procedure for wastage 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.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that as far as she knew, she was appropriately removing the medications for herself and other nurses on the floor, and the wastage protocol was being followed. Respondent states she was unaware of medications being pulled on discharged patients and is certain she must have pulled the medications for other nurses or other patients. Respondent states that some of the controlled substances tied to the discharged patients was an obvious glitch. Additionally, to Respondent's detriment, she now realizes physician verbal orders were not documented. Respondent states that if she committed an error inputting data into the Pyxis, she will take responsibility for it; however, she is adamant she followed orders, wasted at all times, and did not misappropriate these substances for personal use or otherwise. Respondent states that this whole experience has given her a new perspective on the dangers of not double-checking the status of her withdrawals from a system such as the Pyxis in this instance.

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)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(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 779846, heretofore issued to ANN MAUREEN MCCARTHY.

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 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.
- D. 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 in the State of Texas, 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse 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.

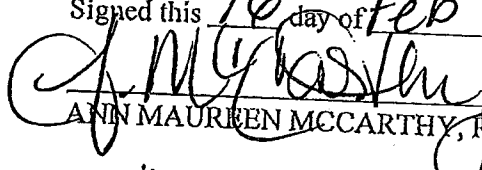
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RESPONDENT'S CERTIFICATION

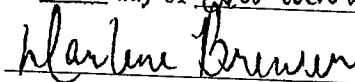
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 16 day of Feb, 2016.

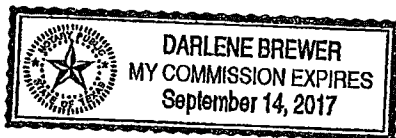

ANN MAUREEN MCCARTHY, Respondent

Sworn to and subscribed before me this 16th day of February, 2016.

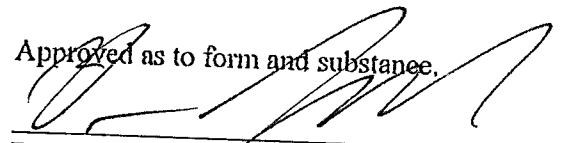
SEAL


Darlene Brewer

Notary Public in and for the State of Texas



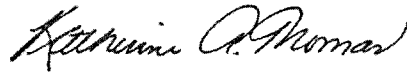
Approved as to form and substance.


Dan Lype, Attorney for Respondent

Signed this 16 day of February, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of February, 2016, by ANN MAUREEN MCCARTHY, Registered Nurse License Number 779846, and said Order is final.

Effective this 8th day of March, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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