



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 655861	§	
& Vocational Nurse License Number 102376	§	
issued to JACQUELINE DELORISE SMITH	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JACQUELINE DELORISE SMITH, Registered Nurse License Number 655861 and Vocational Nurse License Number 102376, 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 June 24, 2016.

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 vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Kiamichi Area Vocational Technology School, Idabel, Oklahoma on February 25, 1983, and received an Associate Degree in Nursing from Eastern Oklahoma State University, Wilburton, Oklahoma on May 1, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on November 30, 1983, and was licensed to practice professional nursing in the State of Texas on October 19, 1998.

5. Respondent's nursing employment history includes:

1983 - 12/1998	Unknown	
1/1999 - 4/2001	Registered Nurse ADON	DeSoto Nursing and Rehabilitation DeSoto, Texas
5/2001 - 9/2013	Registered Nurse ADON	Brentwood Nursing and Rehabilitation Dallas, Texas
12/2013 - 1/2016	Registered Nurse DON	DeSoto Nursing and Rehabilitation DeSoto, Texas

6. On or about March 26, 2015, received the sanction of Remedial Education through an Agreed Order by the Texas Board of Nursing. A copy of the Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated by reference as part of this Order.
7. At the time of the incident, Respondent was employed as a Director of Nursing with DeSoto Nursing and Rehabilitation, DeSoto, Texas, and had been in that position for two (2) years.
8. On or about December 3, 2015, while employed as the Director of Nursing with DeSoto Nursing and Rehabilitation Center, DeSoto, Texas, Respondent failed to supervise staff and ensure that staff were trained in appropriate transfers and the use of the mechanical lift. Patient B.H. was being showered by staff and the mechanical lift sling had been removed during the shower. The patient was unsupported and fell to the shower floor. The patient lost consciousness and went into cardiac arrest. Cardio-Pulmonary Resuscitation (CPR) was initiated and the patient was transported to a local hospital. Respondent's conduct was likely to cause patient injury and possible demise in that staff needed to be trained on how to correctly utilize the mechanical lift sling in order to keep the patient safe.
9. In response to the incident in Finding of Fact Number Eight (8), Respondent states upon entering the shower room it was discovered that the patient was unresponsive. Respondent states she instructed staff to get the sling. Respondent states once staff returned with the sling, she and other staff attempted to place the sling under the patient. Respondent states at this point the shower bed moved and the patient fell to the floor. Respondent states she and staff continued Cardio-Pulmonary Resuscitation (CPR) until emergency personnel arrived.

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)(H),(1)(U)&(3)(A) and 217.12(1)(A),(1)(B),(1)(F)&(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 655861 and Vocational Nurse License Number 102376, heretofore issued to JACQUELINE DELORISE 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. **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 clinical 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. **Indirect Supervision:** RESPONDENT SHALL be supervised by 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 nurse is 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. 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.
- 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.

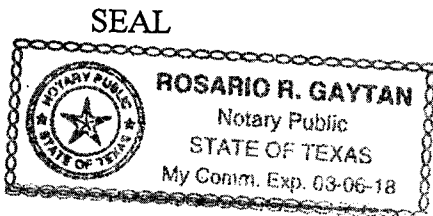
RESPONDENT'S CERTIFICATION

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 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 July, 2016.

Jacqueline Delorise Smith
JACQUELINE DELORISE SMITH, Respondent

Sworn to and subscribed before me this 26 day of July, 2016.



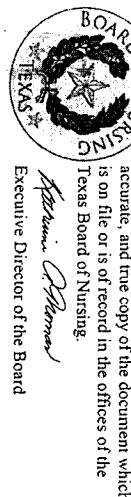
[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of July, 2016, by JACQUELINE DELORISE SMITH, Registered Nurse License Number 655861 and Vocational Nurse License Number 102376, and said Order is final.

Effective this 13th day of September, 2016



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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 655861 §
& Vocational Nurse License Number 102376 §
issued to JACQUELINE DELORISE SMITH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JACQUELINE DELORISE SMITH, Registered Nurse License Number 655861 and Vocational Nurse License Number 102376, 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 February 20, 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 vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Kiamichi Area Vocational Technical School, Idabel, Oklahoma on February 25, 1983, and received an Associate Degree in Nursing from Eastern Oklahoma State University, Wilburton, Oklahoma on May 1, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on November 30, 1983, and was licensed to practice professional nursing in the State of Texas on October 19, 1998.

5. Respondent's nursing employment history includes:

10/1998 - 12/1998	Unknown	
1/1999 - 4/2001	Assistant Director of Nursing (ADON)	Desoto Nursing and Rehabilitation Center Desoto, Texas
5/2001 - 9/2012	ADON	Brentwood Nursing and Rehab Dallas, Texas
10/2012 - 11/2013	Unknown	
12/2013 - 3/2014	ADON	Desoto Nursing and Rehabilitation Center Desoto, Texas
4/2014 - Present	Director of Nursing (DON)	Desoto Nursing and Rehabilitation Center Desoto, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the DON with Desoto Nursing and Rehabilitation Center, Desoto, Texas, and had been in that position for less than one (1) month.
7. On or about April 2014 through July 3, 2014, while employed as the DON with Desoto Nursing and Rehabilitation Center, Desoto, Texas, Respondent failed to ensure that nursing staff adequately assessed the skin of Patient GS, and intervened when the patient's rash was not improving. The patient developed an all over body rash, and complained of itching despite treatment. The patient was transferred to a hospital July 3, 2014, and was diagnosed with Lupus Erythematosus, a chronic autoimmune inflammatory disease. Respondent's conduct was likely to injure the patient from ineffective and delayed treatment.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was hired as the ADON on December 1, 2013, and became the DON April 15, 2014. Respondent explains that Patient GS had a rash all over her body that would come and go, never healing or resolving. Respondent adds that Patient GS was being followed by a dermatologist, and was prescribed Triamcinolone (TAC) on several occasions back as far as September 2013. Respondent relates on March 8, 2014, the dermatologist ordered TAC for the rash twice a day for 3 weeks or until clear and Atarax 3 times a day for 3 weeks for itching. Respondent states on April 10, 2014, the Patient's medical physician looked at the rash and ordered Diflucan daily for 14 days. Respondent indicates on July 2, 2014, the nurse notes indicate that some parts of Patient GS's rash had healed and new ones developed, and

she continued to itch despite treatment. Respondent notes that calls were placed to the medical physician and dermatologist with no response. Respondent indicates the social worker tried to locate another dermatologist, but it was unsuccessful due to the Patient requiring a bariatric stretcher. Respondent adds that Patient GS was transferred to Parkland Hospital July 2, 2014 for an all over body rash of undetermined origin, and at Parkland Hospital Patient GS was diagnosed with Lupus Erythematosus. Respondent explains that the nurses involved were in-serviced and counseled or disciplined concerning this matter.

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),(1)(U)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(F)&(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 655861 and Vocational Nurse License Number 102376, heretofore issued to JACQUELINE DELORISE 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 **REMEDIAL EDUCATION** 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. 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. 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 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 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 23rd day of March, 2015.

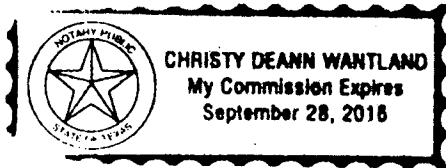
Jacqueline Delorise Smith
JACQUELINE DELORISE SMITH, Respondent

Sworn to and subscribed before me this 23rd day of March, 2015.

SEAL

Christy Deann Wantland

Notary Public in and for the State of Tx



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of March, 2015, by JACQUELINE DELORISE SMITH, Registered Nurse License Number 655861 and Vocational Nurse License Number 102376, and said Order is final.

Effective this 26th day of March, 2015.

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