



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Vocational Nurse License Number 211471	§	
issued to MONICA RENEE SMITH	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MONICA RENEE SMITH, Vocational Nurse License Number 211471, 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 December 13, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from South Plains College-Levelland, Levelland, Texas on August 31, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on September 4, 2007.
5. Respondent's nursing employment history includes:

9/2007 - 7/2008	Licensed Vocational Nurse	Odessa Regional Medical Center Odessa, Texas
7/2008 - 7/2009	Licensed Vocational Nurse	OB-GYN Office of Dr. Charles Lively Odessa, Texas

Respondent's nursing employment history continued:

7/2009 - 7/2010	Licensed Vocational Nurse	Covenant Medical Group Lubbock, Texas
7/2010 - 8/2011	Licensed Vocational Nurse	Starcare Home Health Odessa, Texas
9/2011 - 10/2016	Licensed Vocational Nurse	Tech University Sciences Center Lubbock, Texas
11/2016 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Tech University Sciences Center, Lubbock, Texas, and had been in that position for four (4) years and eleven (11) months.
7. On or about August 8, 2016, while employed as a Licensed Vocational Nurse with Texas Tech University Sciences Center, Lubbock, Texas, and assigned to the Urology Department, Respondent acted in an unprofessional manner when she stated negative comments about Hereford Hospital to Patient Number 7429139, while the patient was in the Emergency Department of Hereford Hospital for severe acute back pain and was extremely distressed. Respondent wanted the patient to travel about an hour to her clinic and provided information to the patient that staff at Hereford Hospital would not be able to successfully remove an indwelling catheter. Further, Respondent did not document the conversation with the patient in the medical record. Respondent's conduct was likely to injure the patient in her negative statements can cause unnecessary distress for the patient which may not be recognized or felt by the patient until harmful consequences occur. Respondent's conduct of failing to document resulted in an inaccurate medical record.
8. On or about October 6, 2016, while employed as a Licensed Vocational Nurse with Texas Tech University Sciences Center, Lubbock, Texas, and assigned to the Urology Department, Respondent failed to appropriately take and assess a phone call made by the wife of Patient Number 815090, who wanted to speak with the patient's nurse due to the fact the patient was experiencing suicidal ideations. The patient's wife was inquiring if the prescribed medications the patient was taking were a contributing factor to these ideations. Respondent refused the phone call due to confidentiality and told staff to have the wife contact 911 instead. On October 7, 2016, Respondent documents in the medical record that she had a conversation with the patient's wife even though confidentiality was not confirmed. Respondent's failure to assess exposed the patient to the risk of self-harm in that significant changes in the patient's status may have gone undetected and prevented a timely intervention.
9. In response to the incident in Findings of Fact Number Seven (7), Respondent states the patient's husband stated they were in the Hereford emergency room, and that the patient's back pain was so bad the physician decided to take the patient's catheter out. Respondent states she stated to not let the staff at the emergency room take out the catheter because she has had trouble with the staff at Hereford and catheters in the past. Respondent states she

should not have stated anything negative on the facility. Regarding the incident in Finding of Fact Number (8), Respondent states she was informed by staff that there was a patient's wife on the phone wanting to talk with her. Respondent states staff informed her that wife wanted to go over the patient's medication list with to see if any of the medications could be giving the patient any side effects that might include depression or suicidal thoughts. Respondent states having no inclination the patient or wife had any sense of urgency regarding the call, she informed staff she would call the wife back when she had a chance to go over the medications. Respondent states she informed staff that the wife was not on the Confidentiality Agreement. Respondent states a few minutes later she opened the patient's communication note and saw that one of the staff had called the local police department for fear of the patient's well-being. Respondent states she never would have left a patient's wife holding if she had understood the situation as it was.

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)(J),(1)(M),(1)(Q)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 211471, heretofore issued to MONICA RENEE SMITH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND 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 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.

- 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 clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. Indirect Supervision:** For the remainder of the stipulation/probation period, 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.
- E. 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 eight (8) quarters [two (2) years] 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

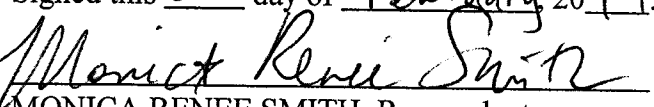
from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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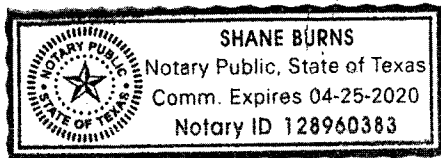
RESPONDENT'S CERTIFICATION

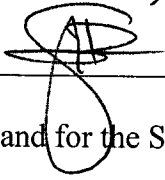
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 2 day of February, 2017.

MONICA RENEE SMITH, Respondent

Sworn to and subscribed before me this 2nd day of FEBRUARY, 2017.

SEAL





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 2nd day of February, 2017, by MONICA RENEE SMITH, Vocational Nurse License Number 211471, and said Order is final.

Effective this 21st day of March, 2017.

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