



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.
Patricia A. Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 706155 §
& Vocational Nurse License Number 148339 §
issued to KRISTEN MALONE LATHON § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that KRISTEN MALONE LATHON, Registered Nurse License Number 706155 and Vocational Nurse License Number 148339, 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 March 31, 2015, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Mark Foster, 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 vocational nurse in the State of Texas is in current 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 Wharton Junior College, Wharton, Texas, on August 12, 1994, and received an Associate Degree in Nursing from Wharton Junior College, Wharton, Texas, on May 14, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on September 13, 1994, and was licensed to practice professional nursing in the State of Texas on June 29, 2004.

5. Respondent's nursing employment history includes:

10/1994 - 1999	Unknown	
1999 - 2003	Staff LVN	Texana MHMR Center Rosenberg, Texas
2000 - 2004	Agency LVN	Medical Staffing Network Houston, Texas
2/2002 - Unknown	Home Health Nurse	Nurses Home Health Services Houston, Texas
6/2004 - Present	Home Health Nurse	Girling Home Health Wharton, Texas
2009 - Present	Home Health Nurse	Bethany Home Health Care Bay City, Texas

6. At the time of the incident, Respondent was employed as a Home Health Nurse with Girling Home Health, Wharton, Texas, and had been in that position for nine (9) years and seven (7) months.
7. On or about January 30, 2014, while employed as a Home Health Nurse with Girling Home Health, Wharton, Texas, Respondent failed to fully assess the skin integrity of Patient Number 00590384, neglecting the patient's sacral area. In addition, Respondent failed to document that a complete skin assessment was not performed. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient from clinical care decisions formulated based upon incomplete assessment information.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that on January 30, 2014, a skin assessment was performed with the exception of the patient's backside. Respondent states that the patient's home environment was unsanitary and she was unable to position the patient to assess her backside without getting soiled with fecal matter which would have contaminated the next patient she was to visit. Upon leaving the patient's home, Respondent states that she informed the Case Manager of the patient's home environment and her inability to do a complete assessment. Respondent states that she improperly documented in the medical record due to a lack of awareness that the computer charting system automatically documents that complete assessments are done when the system is locked. Respondent has since been educated on the computer charting system by the facility.

9. On or about December 9, 2014, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this order.
10. On or about December 19, 2014, Respondent successfully completed a Board approved course in Nursing Documentation, which would have been a requirement of this order.
11. On or about January 24, 2015, Respondent successfully completed a Board approved course in Nursing Jurisprudence and Ethics, which would have been a requirement of this order.
12. On or about February 25, 2015, Respondent successfully completed a Board approved course in Physical Assessment, which would have been a requirement of this order.

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 22 TEX. ADMIN. CODE §217.12(1)(A),(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 706155 and Vocational Nurse License Number 148339, heretofore issued to KRISTEN MALONE LATHON.
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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, 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.

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

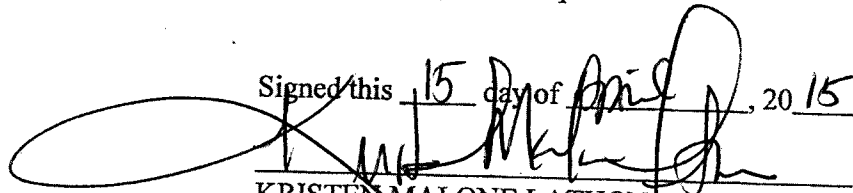
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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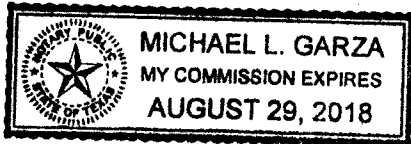
RESPONDENT'S CERTIFICATION

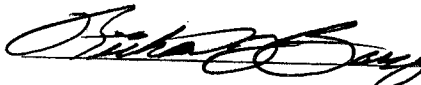
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 15 day of April, 2015.

KRISTEN MALONE LATHON, Respondent


Sworn to and subscribed before me this 15th day of APRIL, 2015.

SEAL




Notary Public in and for the State of TEXAS

Approved as to form and substance.


Mark Foster, Attorney for Respondent

Signed this 20th day of April, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of April, 2015, by KRISTEN MALONE LATHON, Registered Nurse License Number 706155 and Vocational Nurse License Number 148339, and said Order is final.

Effective this 12th day of May, 2015.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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