



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 196361 §
issued to KOLBEE RHAЕ KURTZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KOLBEE RHAЕ KURTZ, Vocational Nurse License Number 196361, 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 April 28, 2017.

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.
4. Respondent received a Certificate in Vocational Nursing from Concord Career Institute, Arlington, Texas, on October 9, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on November 16, 2004.
5. Respondent's vocational nursing employment history includes:

11/2004 - 11/2005	Charge Nurse	City View Care Center Fort Worth, Texas
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Respondent's vocational nursing employment history continued:

11/2005 - 2/2006	LVN	Kindred Hospital Mansfield, Texas
3/2006 - 8/2007	Unknown	
9/2007 - 2009	LVN/Substitute Teacher	Kennedale Independent School District Kennedale, Texas
9/2009 - 7/2011	Charge Nurse	Trinity Terrace Forth Worth, Texas
7/2011 - 6/2014	LVN	Texas Rehabilitation Hospital Fort Worth, Texas
7/2014 - 3/2015	Unknown	
4/2015 - 8/2015	LVN	All Care Professional Home Health Arlington, Texas
9/2015 - 12/2015	Unknown	
1/2016 - Present	LVN	Brookdale Senior Living, Inc. Spring Creek Gardens Plano, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with All Care Professional Home Health, Arlington, Texas, and had been in that position for three (3) months.
7. On or about July 20, 2015, through July 31, 2015, while employed as a Licensed Vocational Nurse with Allcare Professional Home Health, Inc., Arlington, Texas, Respondent failed to administer allergy injections to Patient Medical Record Number P8572 as ordered by the physician or failed to document the patient's refusal of the injection on the patient's Skilled Nurse (SN) notes. Respondent's conduct was likely to injure the patient in that failure to administer the injection as ordered by the physician could have resulted in the patient suffering from adverse reactions. Additionally, Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who would rely on the information while providing care to the patient.
8. On or about August 10, 2015, while employed as a Licensed Vocational Nurse with All Care

Professional Home Health, Inc., Arlington, Texas, Respondent falsified records for Patient Medical Record Number P6562 in that she failed to perform a home health visit, but completed the Skilled Nurse Visit note for said patient. Additionally, Respondent forged the patient's signature on the Kinnser Verified Visit note. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent caregivers who relied on the accuracy of the information while providing care to the patient.

9. In response to Finding of Fact Number Seven (7), Respondent states she did not fail to administer an allergy injection. She adds she does not recall if she gave the shot and forgot to chart it or if the patient refused the shot and did not receive it. Respondent states the patient would choose not to have a shot based on the day. Respondent states that the patient suffered no injury and that there is no evidence that the patient's subsequent care givers were deceived by the patient's medical record. Respondent points out that the patient has provided a written statement commending Respondent for the quality nursing care he received from her. In response to Finding of Fact Number Eight (8), Respondent states the violation could possibly be an error in charting with patient name, patient number, date, filing, or a submission error. Respondent adds she can not state she has never made a charting error or omission after twelve (12) years of nursing. It would not be intentional if she had.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C), (4),(6)(A)&(6)(H).
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 196361, heretofore issued to KOLBEE RHA E KURTZ.
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 FINE** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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.*

V. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. 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. 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 for Current Position as a Licensed Vocational Nurse with Brookdale Senior Living, Inc., Spring Creek Gardens, Plano, Texas:** for so long as Respondent remains employed as a Licensed Vocational Nurse with Brookdale Senior Living, Inc., Spring Creek Gardens, Plano, Texas, 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. **Should Respondent's employment as a Licensed Vocational Nurse with Brookdale Senior Living, Inc., Spring Creek Gardens, Plano, Texas, cease or change:**
 - 1. **Indirect Supervision:** Should Respondent's employment as an as a Licensed Vocational Nurse with Licensed Vocational Nurse with Brookdale Senior Living, Inc., Spring Creek Gardens, Plano, Texas,

cease or change while under the terms of this Order. 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** for the remainder of the stipulation period of this Order, if any. 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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.

VII. 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 29 day of May, 2018.

Kolbee Rhae Kurtz
KOLBEE RHAË KURTZ, Respondent

Sworn to and subscribed before me this 29th day of May, 2018.

SEAL

Jennifer Marie Howard

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 29th day of May, 2018, by KOLBEE RHAE KURTZ, Vocational Nurse License Number 196361, and said Order is final.

Effective this 19th day of July, 2018.



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