



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

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In the Matter of § AGREED  
Registered Nurse License Number 718308 §  
issued to CANDACE RENE MCNUTT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CANDACE RENE MCNUTT, Registered Nurse License Number 718308, 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 May 3, 2018.

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 Diploma in Nursing from Covenant School of Nursing, Lubbock, Texas on May 27, 2005. Respondent was licensed to practice professional nursing in the State of Texas on July 5, 2005.
5. Respondent's nursing employment history includes:

7/05-9/08	RN	University Medical Center Lubbock, Texas
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Respondent's nursing employment history continued:

10/08-1/10	RN	VistaCare Hospice Lubbock, Texas
2/10-12/16	RN	Covenant Health Hospice Lubbock, Texas
1/17-Present	RN	Lubbock-Cooper ISD Lubbock, Texas

6. At the time of the initial incident, Respondent was employed as a with Covenant Health Hospice, Lubbock, Texas, and had been in that position for six (6) years and ten (10) months.
7. On or about December 11, 2016, while employed with Covenant Health Hospice of Lubbock, Lubbock, Texas, and assigned to Patient HL, Respondent increased an order for Methadone 12.5mg to Methadone 25mg, through a text message to the patient without notifying the physician and without a physician's order. Subsequently, the patient experienced increased drowsiness. Respondent's conduct was likely to injure the patient and contributed to the patient suffering from adverse reactions
8. On or about December 12, 2016, while employed with Covenant Health Hospice of Lubbock, Lubbock, Texas, and assigned to Patient HL, Respondent submitted a skilled nursing visit note and a time log reflecting a forty-five (45) minute skilled nursing visit to the patient to drop off her medication when she actually left the medication by the door, and provided patient instructions by telephone and text only. Respondent's conduct was incomplete, and created an inaccurate medical record.
9. In response to Findings of Fact Number Seven (7), Respondent explains on December 9th, the patient informed her she had been hurting all day despite taking her Methadone as well as her prn Dilaudid. Respondent states she notified Dr. Brown who stated because the patient was taking so much prn Dilaudid, the scheduled Methadone should be increased. Respondent states she has no proof the order was given because it was a verbal (telephone) order, but states she would have never increased any medication without an order much less an opioid. Respondent states the mistake she made was she forgot to put the new order into the computer EMR for two days. In Response to Findings of Fact Number Eight (8), Respondent states the patient was prescribed Diflucan and when the medication was ready, she called the patient to tell her she was picking it up and would deliver it to her residence soon as the ordering Nurse Practitioner felt it was imperative to start the medication soon to control her symptoms. Respondent explains the patient stated she was not home and asked if she could leave the medication at her home between the glass door and wooden door. Respondent states she reviewed all medication instructions with the patient via telephone and she verbalized understanding. Respondent states she traveled to her home and placed it between her doors, per patient's request. Respondent states she had to document this visit

because mileage was tied to it and because she wanted to document their phone call. Respondent states she documented the patient teaching because she did that over the phone. Respondent states she's never falsified records at any time in her nursing career.

### 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).
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 718308, heretofore issued to CANDACE RENE MCNUTT.
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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

## 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. **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.
- C. 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](http://www.bon.texas.gov/compliance).*

#### V. **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 so long as Respondent remains employed in her current position as a Registered Nurse with Lubbock-Cooper ISD, Lubbock, Texas, RESPONDENT SHALL CAUSE his 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. Indirect Supervision for Subsequent Positions, if any:** Should Respondent's current position as a Registered Nurse with Lubbock-Cooper ISD, Lubbock, Texas, cease or change: 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 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.

## **VI. 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 25 day of June, 2018.

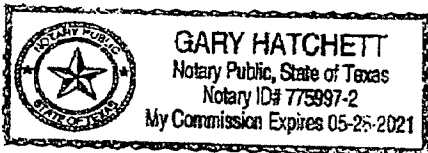
Candace Rene McNutt  
CANDACE RENE MCNUTT, Respondent

Sworn to and subscribed before me this 25 day of JUNE, 2018.

SEAL

Gary Hatchett

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Taralynn R. Mackay  
TARALYNN MACKAY, Attorney for Respondent

Signed this 27<sup>th</sup> day of June, 2018.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of June, 2018, by CANDACE RENE MCNUTT, Registered Nurse License Number 718308, and said Order is final.

Effective this 21st day of August, 2018.



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