BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	
Registered Nurse License Number 774872	§	AGREED ORDER
& Vocational Nurse License Number 192317	§	FOR
issued to SARAH MARIE KENNEDY	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARAH MARIE KENNEDY, Registered Nurse License Number 774872, and Vocational Nurse License Number 192317, 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 Agreed Order for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 20, 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 Agreed Order for KSTAR Program.

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 Lone Star College - Kingwood, Kingwood, Texas, on December 10, 2003. Respondent received an Associate Degree in Nursing from Lone Star College - Montgomery, Conroe, Texas, on July 8, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 2004. Respondent was licensed to practice professional nursing in the State of Texas on September 3, 2009.

5. Respondent's nursing employment history includes:

01/2004 – 08/2009	LVN	Maxim Healthcare Spring, Texas
09/2009 – 06/2015	RN	Maxim Healthcare Spring, Texas
02/2011- 02/2013	RN	Epic Healthcare Services Houston, Texas
07/2015- Present	RN	Encompass Health Home Health and Hospice Kingwood, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Encompass Health Home Health and Hospice Kingwood, Texas, and had been in that position for two (2) years and ten (10) months.

7. On or about May 21, 2018, while employed as a Registered Nurse with Encompass Health Home Health and Hospice, Kingwood, Texas, Respondent failed to notify the physician and request daily visits for Patient MR 00009727301 because she was having signs and symptoms of acute Chronic Obstructive Pulmonary disease (COPD)/Congestive Heart Failure (CHF) exacerbation after having just been discharged from the hospital. Three (3) days later, the patient required acute care readmission. Respondent's conduct caused a delay in patient medical care that was needed to prevent further complications which may have led to the patient being readmitted to the hospital.

8. On or about May 21, 2018, through May 24, 2018, while employed as a Registered Nurse with Encompass Health Home Health and Hospice, Kingwood, Texas, Respondent failed to timely submit and finalize documentation of the resumption of care assessment of Patient MR 00009727301, a patient who was having signs and symptoms of acute COPD/CHF exacerbation after having just been discharged from the hospital. Respondent's conduct resulted in an incomplete medical record and was likely to harm the patient from undetected progression of clinical complications, including those associated with CHF.

9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she had observed wheezing and 1+ pitting edema in Patient MR00009727301 lower extremities but that it was an improvement from the assessment performed by the Respondent several months prior. Also, she found Patient MR00009727301 to have chronic but improved signs and symptoms of stable COPD/CHF and found her signs/symptoms not appropriate to report considering the patient history and current management. In regards to Finding of Fact Number Eight (8), Respondent states that it came down to choosing between documenting thoroughly or succumbing to poor performance and rather than to put quality of patient care at risk she had to submit her documentation late.

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)(D),(1)(M)&(1)(P) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C)& (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 774872, and Vocational Nurse License Number 192317, heretofore issued to SARAH MARIE KENNEDY.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order for KSTAR Program.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;

B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;

C. Follow all requirements within the remediation plan, if any;

D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and

E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV.   FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V.   RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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.
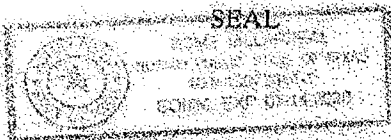
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of December, 20 18.

_____
SARAH MARIE KENNEDY, Respondent

Sworn to and subscribed before me this 10 day of December, 20 18.

_____
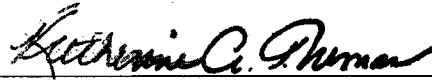Notary Public in and for the State of Texas

Approved as to form and substance.

_____
Yong J. An, Attorney for Respondent

Signed this 20 day of December, 20 18.

SEAL

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 20th day of December, 2018, by SARAH MARIE KENNEDY, Registered Nurse License Number 774872, and Vocational Nurse License Number 192317, and said Agreed Order for KSTAR Program is final.

Effective this 24th day of January, 2019.

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