



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
Registered Nurse License Number 915173
issued to NATHALIE BROOKE SMITH

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NATHALIE BROOKE SMITH, Registered Nurse License Number 915173, and 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)(8), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 3, 2019.

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.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Francis Marion University, Florence, South Carolina, on May 1, 2015. Respondent was licensed to practice professional nursing in the State of Texas on January 24, 2017.
5. Respondent's nursing employment history includes:

09/2015 – 08/2016

RN

Waccamaw Community
Hospital – Murrells Inlet, South
Carolina

Respondent's nursing employment history continued:

09/2016 – Present

RN

Methodist's Children's Hospital
San Antonio, Texas

6. On or about October 23, 2018, you received a Final Order from the State Board of Nursing for South Carolina, Columbia, South Carolina, wherein your license to practice professional nursing was reprimanded. A copy of the Final Order dated October 23, 2018, is attached and incorporated by reference as part of this pleading.
7. In response to Finding of Fact Number Seven (7), Respondent states she was a full-time student, full-time employee, and a mother to a newborn. She said the day in question, she was exhausted and was afraid to take the exam before resting, and she overslept. Respondent stated she pleaded with her professor to make the exam up but they refused, causing her to lose her four (4) credits. Respondent states she made a foolish decision in hopes to regain her 93% grade average by turning in a false doctor's note, which was made in a desperate manner.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 915173, heretofore issued to NATHALIE BROOKE SMITH.
4. 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 **REMEDIAL EDUCATION** 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.

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 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. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed 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, and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

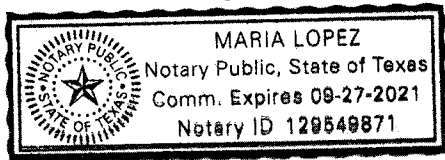
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of February, 2019.

Nathalie Brooke Smith
NATHALIE BROOKE SMITH, Respondent

Sworn to and subscribed before me this 11 day of Feb, 2019

Maria Lopez
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of February, 2019, by NATHALIE BROOKE SMITH, Registered Nurse License Number 915173, and said Agreed Order is final.

Effective this 13th day of February, 2019.



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

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF NURSING FOR SOUTH CAROLINA**

IN THE MATTER OF:

NATHALIE BROOKE SMITH, RN,
License No. RN.230774,

OIE #2016-375,

Respondent.

FINAL ORDER

This matter came before the State Board of Nursing for South Carolina ("Board") for hearing on March 22, 2018, to consider the recommendation and report dated November 28, 2017 ("Panel Recommendation") of the hearing panel ("Panel") appointed to conduct a hearing regarding the initial complaint against the above-named Respondent ("Respondent"). A quorum of the Board was present. The transcript of the panel hearing was provided to the Board members in advance of the meeting for review.

Prior to the Panel hearing, the State and Respondent entered into a Memorandum of Agreement and Stipulations ("MOA") in which Respondent waived formal hearing procedures and the authorization and filing of a Formal Complaint, and elected to dispose of the matter pursuant to S.C. Code Ann. § 1-23-320(f) (2005). The Panel hearing was held on November 28, 2017, pursuant to S.C. Code Ann. §§ 40-1-90, 40-33-10 (2011), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.* (2005).

Shanika Johnson, Assistant Disciplinary Counsel, represented the State. Respondent appeared *pro se* at the Panel hearing and waived her right to counsel. Respondent did not appear at the board hearing.

In the MOA, Respondent admitted to sanctionable misconduct as described in S.C. Code Ann. §§ 40-33-110(A)(9).

FINDINGS OF FACT

1. Respondent is licensed to practice as a Registered Nurse in South Carolina, was so licensed at all times relevant to the matters asserted in this case, and is subject to the jurisdiction of the Board.

2. Respondent admits that on or about May 9, 2016, while she was a student at Francis Marion University in the Family Nurse Practitioner Program, she submitted a forged medical excuse to her professor. Specifically, Respondent missed the deadline to take the final examination for her Biostatistics course, so she fabricated a medical excuse from Forest Family Care in Myrtle Beach, South Carolina in an attempt to be allowed to take the final examination

outside the given timeframe. Respondent was never treated by Forest Family Care, and the excuse form Respondent used was no longer in use by the facility.

3. Respondent avers that her decision to submit the fabricated doctor's excuse does not reflect her character. Respondent further avers that submitting the excuse was only done after she experienced a sequence of unfortunate events that made her unable to timely take the exam.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law that:

1. Respondent's conduct as described in the above findings of fact constitutes misconduct as described in S.C. Code Ann. §§ 40-33-110(A)(9), in that Respondent falsified an organization's records for the purpose of reflecting incorrect or incomplete information.

2. Upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-1-110 and/or 40-33-110 (2011, as amended), has the authority to order the cancellation, revocation or suspension of a license to practice as a registered nurse or a licensed practical nurse or to publicly or privately reprimand the registered nurse or licensed practical nurse or take other reasonable action short of revocation or suspension, such as requiring the licensee to undertake additional professional training subject to the direction and supervision of the Board. The Board may also impose other restrictions upon the nursing practice of the licensee as circumstances warrant until the licensee demonstrates to the Board adequate professional competence. In addition to any other sanction imposed by the Board upon the licensee, the Board may require the licensee to pay a civil penalty up to Two Thousand Dollars (\$2,000.00) to the Board for each violation of the provisions of the Nurse Practice Act, S.C. Code Ann. § 40-33-5 *et seq.* (2011, as amended), or of the regulations promulgated by the Board, for a total penalty or fine not to exceed Ten Thousand Dollars (\$10,000.00). The Board may also require individuals found to have violated the Nurse Practice Act or regulations promulgated by the Board to pay costs associated with the investigation and prosecution of the case.

3. The sanctions imposed are designed not to punish Respondent, but to protect the life, health, and welfare of the public at large. The Board adopts the Panel Recommendation and concludes that sanctions set forth below are appropriate.


NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Respondent is hereby publicly reprimanded
2. Respondent shall complete the following Board approved courses within six months of the date of this order:
 - a. Ethics
 - b. Legal Aspects

3. Respondent is assessed a civil penalty of One Hundred Fifty Dollars (\$150.00), payable within six (6) months of the date of this Order.

AND IT IS SO ORDERED.

**STATE BOARD OF NURSING
FOR SOUTH CAROLINA**



SAMUEL H. McNUTT, JR., CRNA, MHSA
President of the Board

October 23, 2018