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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 789925	§	FOR
issued to ANN SARAH DANIEL	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANN SARAH DANIEL, Registered Nurse License Number 789925, 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 16, 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 for KSTAR Program.

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 Oral Roberts University, Tulsa, Oklahoma, on May 1, 2010. Respondent was licensed to practice professional nursing in the State of Texas on August 3, 2010.

5. Respondent's nursing employment history includes:

9/2010 – 5/2011	Registered Nurse	Kingwood Medical Center Kingwood, Texas
6/2011 – 12/2011	Unknown	
1/2012 – 12/2014	Registered Nurse	Bayshore Medical Center Pasadena, Texas
8/2014 – 12/2014	Registered Nurse	St Luke's Medical Center Houston, Texas
1/2015 – 2/2015	Unknown	
3/2015 – 8/2016	Registered Nurse	Oklahoma Surgical Hospital Tulsa, Oklahoma
9/2016 – 11/2016	Unknown	
12/2016 – 5/2017	Registered Nurse	Gifted Healthcare Agency Metairie, Louisiana
6/2017 – 9/2017	Unknown	
10/2017 – 2/2019	Registered Nurse	Baylor St. Luke's Medical Center Houston, Texas
3/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor St. Luke's Medical Center, Houston, Texas, and had been in that position for one (1) year and one (1) month.

7. On or about November 19, 2018, while employed as a Registered Nurse with Baylor St. Luke's Medical Center, Houston, Texas, Respondent failed to document an assessment of the central line for Patient MRN 05506512 and failed to document that the patient refused a central line dressing change. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further care.

8. On or about January 17, 2019, while employed as a Registered Nurse with Baylor St. Luke's Medical Center, Houston, Texas, Respondent failed to document clarification with

the physician regarding an order for eye drops for Patient MRN 02055816. Respondent documented the administration of the aforementioned medication to Patient MRN 02055816 when the medication had not been verified by the pharmacy due to a discrepancy between the dosage of the order for the medication and the dosage of the medication itself. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further care.

9. On or about February 4, 2019, while employed as a Registered Nurse with Baylor St. Luke's Medical Center, Houston, Texas, Respondent failed to discontinue the tube feeding for Patient MRN 05091092 at midnight, as ordered, in anticipation of a tentative procedure scheduled for the following day. Respondent conduct was likely to injure the patient from a potential delay in treatment related to failure to follow the physician's order for the patient to be NPO at midnight.

10. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the previous nurse gave her Patient 05506512 with a central line dressing that was not in place. Respondent states that she was told in report that the central line was going to be taken out the next morning during a procedure. Respondent states that she asked the patient two times if she could change the central line dressing, but the patient refused. Respondent states that the patient had the right to refuse this care, and the patient knew that the central line would be taken out the next morning. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she did not give the eye drops to the patient because the medication administration record said it was the wrong dose. Respondent states that the medication was Acular 0.4 mg in the medication administration record, but the actual dose on the bottle was Acular 0.5 mg. Respondent states she contacted the doctor to make sure the right order was put into the medication administration record. Respondent states she then contacted the pharmacist and he informed her that the correct dose would be sent along with the correct label the next morning. Respondent states that for the safety of the patient she did not want to give the wrong dosage. Respondent states she relayed this information to the incoming nurse and she agreed to follow up for the corrected dose in the morning. In response to the incident in Finding of Fact Number Nine (9), Respondent states that the tube feeding for the patient was already started from the previous shift. Respondent states that the dietician had written on the sticky note for physicians and nursing to read, for tube feeding to be started for the patient. Respondent states she did call the doctor later that night and requested an order, but the doctor must not have put the order in. Respondent states she thought she put the order in for the tube feeding later. Respondent states that since the tube feed was already infusing when she arrived and the patient was NPO for several hours before infusion started, she did not want to discontinue nutrition from an already debilitated patient.

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)&(1)(O) and 22 TEX. ADMIN. CODE §217.12(1)(B).

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 789925, heretofore issued to ANN SARAH DANIEL.

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) and/or privilege(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 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 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 31 day of October, 2019.

Ann Daniel

ANN SARAH DANIEL, RESPONDENT

Sworn to and subscribed before me this 31 day of October, 2019.

SEAL

JANETTH MARTINEZ
Notary Public, State of Texas
Comm. Expires 03-21-2023
Notary ID 130043479

Janeth Martinez

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 for KSTAR Program that was signed on the 31st day of October, 2019, by ANN SARAH DANIEL, Registered Nurse License Number 789925, and said Agreed Order for KSTAR Program is final.

Effective this 10th day of December, 2019.

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