

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 941091	§	FOR
issued to ANDREW MICHAEL ASHWORTH	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREW MICHAEL ASHWORTH, Registered Nurse License Number 941091, 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)(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 August 21, 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 University of Texas, Arlington, Texas, on December 1, 2017. Respondent was licensed to practice professional nursing in the State of Texas on March 15, 2018.

5. Respondent's nursing employment history includes:

3/2018 – 5/2018	Registered Nurse	Parkland Health and Hospital Systems Dallas, Texas
6/2018 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Parkland Health and Hospital Systems, Dallas, Texas, and had been in that position for one (1) month.
7. On or about April 17, 2018, while employed as a Registered Nurse with Parkland Health and Hospital Systems, Dallas, Texas, Respondent incorrectly crushed and diluted oxycodone, an oral pain medication, and administered it intravenously to Patient Number 176023. The pain medication was ordered to be given by mouth. Additionally, Respondent failed to document the medication administration in the patient's electronic medical record. Respondent's conduct could have contributed to patient injury from adverse effects of intravenous administration of medication that was not properly formulated for safe intravenous use, including possible phlebitis, ischemia, embolism, or sepsis.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that when this event occurred he was a newly graduated nurse, still in his residency, and he experienced a non-supportive, bullying environment from the onset of his residency. Respondent states that he takes accountability and responsibility for his actions. At the end of his shift, Respondent's preceptor directed him to go to the patient's room and administer oxycodone, which was the first time this medication had been given on his shift. Respondent states that to prepare the medication, he initially crushed it in the medication room and carried it to the patient's room in the small pill crusher bag. Respondent states that he turned on the water faucet and collected water into a small cup. Respondent reports that he then drew up tap water and mixed in the crushed medication. Respondent states he then went to the patient's bedside to administer the medication. Respondent states that he then lifted the patient's gown to access the gastric tube, but there was no gastric tube as he had anticipated. Respondent states that in hindsight, this is where he should have stopped and went and found his preceptor. Respondent states that the patient did have a nasogastric tube that was attached to suction. Respondent states that he was tired, confused, and uneasy. Respondent states that due to his inexperience as a new nurse, he screwed the syringe onto the intravenous line and began administering the medication. Respondent states he monitored the patient as the medication was slowly infusing and about half way through he met resistance. Respondent states that three (3) skin team nurses entered the room and as they did he mentioned he was having trouble administering the medication. Respondent states that one of them came and tried to help him with the administration, and then another asked what he was administering. Respondent states that he informed the team he was administering oxycodone, and that was when he and everyone else in the room had realized what he had done.

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)(G),(1)(H)&(3)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 941091, heretofore issued to ANDREW MICHAEL ASHWORTH.
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 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 19 day of December 2019.

Andrew Ashworth
ANDREW MICHAEL ASHWORTH, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance YIP.

Nancy Roper Wilson
Nancy Roper Wilson, Attorney for Respondent

Signed this 20th day of December 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 19th day of December, 2019, by ANDREW MICHAEL ASHWORTH, Registered Nurse License Number 941091, and said Agreed Order for KSTAR Program is final.

Effective this 11th day of February, 2020.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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