



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 § AGREED ORDER
Registered Nurse License Number 854727 §
issued to KIA KRISTELL MALVEAUX §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIA KRISTELL MALVEAUX, Registered Nurse License Number 854727, 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)(1)&(10), 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 December 6, 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 an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on April 29, 2014.
5. Respondent's nursing employment history includes:

5/2014 – 7/2015 PRN RN Baylor Surgicare
Fort Worth, Texas

Respondent's nursing employment history continued:

| | | |
|------------------|--------|---|
| 7/2015 – 12/2015 | ICU RN | Kindred Hospital Fort Worth, Texas |
| 12/2015 – 7/2017 | RN | Baylor Scott & White All Saints Medical Center Fort Worth, Texas |
| 7/2017 – 4/2018 | RN | Texas Health Southwest Fort Worth Fort Worth, Texas |
| 4/2018 – Present | RN | Aveanna Healthcare Fort Worth, Texas |

6. On or about June 11, 2019, Respondent was issued the sanction of Warning with Stipulations through an Agreed Order for KSTAR Program. A copy of the June 11, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about October 16, 2019, Respondent became non-compliant with the Agreed Order for KSTAR Program issued to Respondent by the Board on June 11, 2019. Non-compliance resulted from Respondent's failure to successfully complete the KSTAR Program, as required.
8. The terms and requirements of this Agreed Order reflect the terms and requirements which would have been required in the June 11, 2019, Agreed Order had Respondent not participated in the KSTAR Program.

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 §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 854727, heretofore issued to KIA KRISTELL MALVEAUX .
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.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. 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.

V. **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. **A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- 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.*

VI. 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 Current Position:** For so long as Respondent remains employed in her current position as a Registered Nurse with Aveanna Healthcare, Fort Worth, Texas, RESPONDENT SHALL CAUSE her 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 Position if any:** Should Respondent's current position as a Registered Nurse with Aveanna Healthcare, Fort Worth, 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 of 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.

VII. 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) 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.

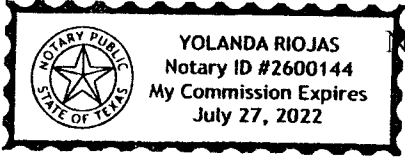
Signed this 29th day of Jan, 2020.


KIA KRISTELL MALVEAUX, RESPONDENT

Sworn to and subscribed before me this 29th day of Jan, 2020.


Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of January, 2020, by KIA KRISTELL MALVEAUX , Registered Nurse License Number 854727, and said Agreed Order is final.

Effective this 10th day of March, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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



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 854727
issued to KIA KRISTELL MALVEAUX

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AGREED ORDER
FOR
KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIA KRISTELL MALVEAUX, Registered Nurse License Number 854727, 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 April 15, 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 an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on April 29, 2014.
5. Respondent's professional nursing employment history includes:

| | | |
|---------------|--------|---------------------------------------|
| 05/14 – 07/15 | PRN RN | Baylor Surgicare Fort Worth, Texas |
|---------------|--------|---------------------------------------|

Respondent's professional nursing employment history continued:

| | | |
|-----------------|--------|---|
| 07/15 – 12/15 | ICU RN | Kindred Hospital Fort Worth, Texas |
| 12/15 – 07/17 | RN | Baylor Scott & White All Saints Medical Center Fort Worth, Texas |
| 07/17 – 04/18 | RN | Texas Health Southwest Fort Worth Fort Worth, Texas |
| 04/18 – Present | RN | Epic Pediatric Home Health Care Fort Worth, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse (RN) with Texas Health Southwest Fort Worth, Fort Worth, Texas, and had been in that position for two (2) months.
7. On or about September 15, 2017, and September 16, 2017, while employed as a Registered Nurse (RN) with Texas Health Southwest Fort Worth, Fort Worth, Texas, Respondent failed to administer Total Parenteral Nutrition (TPN) to Patient Number 000146103 at 2000, as scheduled and as ordered by the physician. As a result, the patient's lab values were unreliable because the lab draw was performed after the TPN was initiated. Respondent's conduct unnecessarily exposed the patient to a risk of harm from complications resulting from medical decisions based on invalid lab results.
8. On or about January 25, 2018, through January 26, 2018, while employed as a Registered Nurse (RN) with Texas Health Southwest Fort Worth, Fort Worth, Texas, Respondent failed to administer a continuous infusion of Normal Saline to Patient Number 000104870, as ordered by the physician. Respondent's conduct was likely to injure the patient from non-efficacious treatment.
9. On or about February 9, 2018, while employed as a Registered Nurse (RN) with Texas Health Southwest Fort Worth, Fort Worth, Texas, Respondent failed to recheck the blood glucose level of Patient Number 000239602 after obtaining a level of 55 mg/dL and administering 12.5g of D50W (dextrose 50% in water). The facility's protocol for hypoglycemia management states that the blood glucose level should be rechecked fifteen minutes post intervention. Respondent's conduct unnecessarily exposed the patient to a risk of harm from complications associated with unresolved hypoglycemia.

10. On or about February 23, 2018, through February 24, 2018, while employed as a Registered Nurse (RN) with Texas Health Southwest Fort Worth, Fort Worth, Texas, Respondent failed to check the blood glucose level of Patient Number 000084792, after the patient had returned from a procedure, from 2330 to 0509. As a result, the patient had a blood glucose level of 546mg/dL at 0509 and the patient was diagnosed with diabetic ketoacidosis (DKA). Respondent's conduct may have contributed to the patient's subsequent diagnosis of DKA.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), regarding Patient Number 000146103, Respondent states she was in orientation at this time and was instructed to pause TPN for 15 minutes, flush the central line until it's clear prior to the lab draws, then resume TPN. Respondent states that over time, since the start of the TPN infusion, the bags were completed later than expected because of the time they were paused for flushing and blood draws. Regarding Patient Number 000104870, Respondent states she gave the normal saline to the patient. Regarding Patient Number 000239602, Respondent states that she asked the lab technicians who were on the unit to check the patient's blood glucose. Respondent states that the redraw went about 15 minutes outside the window period because it was included in the regular lab draw. Regarding Patient Number 000084792, Respondent states that at around 2330, she went into the patient's room and asked her how she was feeling. Respondent states the patient told her she was sleepy and just wanted to sleep. Respondent states she continued to check on the patient throughout her shift and noticed the patient was lethargic. Respondent states that she later checked the patient's blood sugar and it was elevated. Respondent states she was having trouble with the glucometer and asked the tech to help her find another one. Respondent states she received a high reading with the second glucometer as well. Respondent states that the lab technician came into the room and drew lab work, and the lab later called and said her lab results were in excess of 200 points different than what the glucometer readings were.

12. Formal Charges were filed on February 1, 2019.

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)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B) &(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 854727, heretofore issued to KIA KRISTELL MALVEAUX.
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.

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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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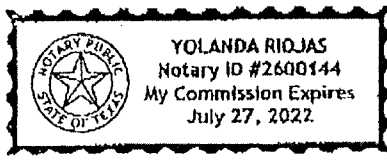
RESPONDENT'S CERTIFICATION

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 13TH day of MAY, 2019.
Kia Kristell Malyeaux
KIA KRISTELL MALYEAOX, Respondent

Sworn to and subscribed before me this 13TH day of MAY, 2019.

SEAL



Yolanda Riojas
Notary Public in and for the State of TEXAS

Approved as to form and substance:

Yong J. An
Yong J. An, Attorney for Respondent

Signed this _____ day of _____, 2019 05/14/2019

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 13th day of May, 2019, by KIA KRISTELL MALVEAUX, Registered Nurse License Number 854727, and said Agreed Order for KSTAR Program is final.

Effective this 11th day of June, 2019.



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