



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 522639
issued to KIMBERLY A. SAUKE

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AGREED ORDER
FOR
DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KIMBERLY A. SAUKE, Registered Nurse License Number 522639, 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 Deferred Discipline approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 5, 2020.

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 Deferred Discipline.
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 San Jacinto College, Pasadena, Texas, on August 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on March 20, 1985.

5. Respondent's nursing employment history includes:

3/1985 – 11/1986	Registered Nurse	St. Luke's Episcopal Hospital Houston, Texas
11/1986 – 6/1988	Registered Nurse	Nurse Finders, MSS, Healthmark Houston, Texas
7/1988 – 5/1993	Registered Nurse	Park Plaza Hospital Houston, Texas
5/1993 – 3/1996	Registered Nurse	Visiting Nurse Association Dallas, Texas
3/1996 – 10/1996	Registered Nurse	Olsten Health Services Unknown
10/1996 – 3/2011	Registered Nurse	Parallon Staffing Services Houston, Texas
12/1996 – 6/1997	Registered Nurse	Carlton Medical Unknown
7/1997 – 6/2001	Registered Nurse	Methodist Diagnostic Hospital Houston, Texas
6/2004 – 6/2009	Registered Nurse	The Methodist Hospital Houston, Texas
3/2011 – 4/2019	Registered Nurse	HCA Healthcare Houston – West Houston, Texas
2/2019 – Present	Registered Nurse Sales Manager	Momentum Community Care Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with HCA Healthcare Houston - West, Houston, Texas, and had been in that position for seven (7) years and one (1) month.

7. On or about April 12, 2018 through November 24, 2018, while employed as a Registered Nurse with HCA Healthcare Houston - West, Houston, Texas, and assigned to the Intensive Care Unit, Respondent withdrew three (3) vials of Propofol 1000mg, one (1) vial of Morphine Sulfate 4mg, two (2) tabs of Hydrocodone 5mg and one (1) tab of Clonazepam

.5mg from the medication dispensing system for patients, but failed to document and/or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR) and/or nurses' notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about April 11, 2018 through November 24, 2018, while employed as a Registered Nurse with HCA Healthcare Houston - West, Houston, Texas, and assigned to the Intensive Care Unit, Respondent withdrew one (1) ampule of Fentanyl 100mcg, three (3) vials of Propofol 1000mg, one (1) vial of Morphine Sulfate 4mg, two (2) tabs of Hydrocodone 5mg and one (1) tab of Clonazepam .5mg from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about April 11, 2018 through November 24, 2018, while employed as a Registered Nurse with HCA Healthcare Houston - West, Houston, Texas, and assigned to the Intensive Care Unit, Respondent failed to take precautions to prevent misappropriations of seventy-five (75) micrograms of Fentanyl, three (3) vials of Propofol 1000mg, two (2) milligrams of Morphine Sulfate, two (2) tabs of Hydrocodone APAP 5mg, and one (1) tab of Clonazepam 0.5mg belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about October 19, 2018, while employed as a Registered Nurse with HCA Healthcare Houston - West, Houston, Texas, and assigned to the Intensive Care Unit, Respondent failed to administer Dextrose Solution (D5 ½ NS) to Patient MRN Z00122557816, as ordered by the physician. The patient's blood sugar was later documented at 34 and 40 and required an administration of Dextrose Solution (D50W). Respondent's conduct was likely to injure the resident in that failure to administer medications as ordered by a physician could have resulted in non-efficacious treatment.
11. In response to Findings of Fact Number Seven (7) through Nine (9), Respondent states she does not know if she did not scan the medications, but the pharmacy documents indicate they weren't scanned, so for her scanning errors, she is sorry and remorseful for placing the patients at risk for dosing errors. Respondent denies misappropriation and states the medications were administered to patients. In response to Finding of Fact Number Ten (10), Respondent states she didn't administer the dextrose solution because she had given blood products that were not compatible with the solution. Respondent states she believes she has had a conscientious approach to nursing for 35 years.
12. Formal Charges were filed on May 4, 2020.

13. Respondent successfully completed the Understanding Board Orders course, which would have been a requirement of this order.
14. Respondent successfully completed the Nursing Jurisprudence and Ethics course on June 1, 2019, which would have been a requirement of this order.
15. Respondent successfully completed the Nursing Documentation course on May 31, 2019, which would have been a requirement of this order.
16. Respondent successfully completed the Sharpening Critical Thinking Skills course on June 4, 2020, which would have been a requirement of this order.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(10)(C).
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 522639, heretofore issued to KIMBERLY A. SAUKE.
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, DEFERRED**, 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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 Deferred Discipline.

Further, RESPONDENT SHALL not commit any violation of the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* **for a period of three (3) years from the date of this Order.**

III. 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. **Indirect Supervision:** 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.
- D. **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.

IV. EFFECT OF DEFERRED DISCIPLINE

Upon successful completion of the stipulated requirements of this Agreed Order for Deferred Discipline, 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.

Upon the successful completion of the required three (3) year period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

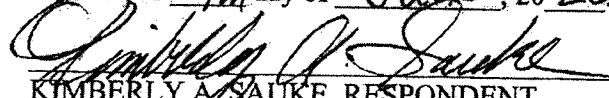
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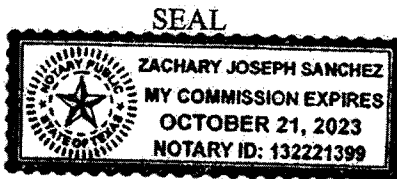
RESPONDENT'S CERTIFICATION

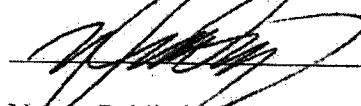
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 9th day of June, 20 20


KIMBERLY A. SAUKE, RESPONDENT

Sworn to and subscribed before me this 9th day of June, 20 20.




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 Deferred Discipline that was signed on the 9th day of June, 2020, by KIMBERLY A. SAUKE, Registered Nurse License Number 522639, and said Agreed Order for Deferred Discipline is final.

Effective this 23rd day of July, 2020.



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