

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 881675	§	
issued to SCOTT LEE MASON	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SCOTT LEE MASON, Registered Nurse License Number 881675, 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 approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 25, 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.
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 Lone Star College North Harris, Houston, Texas, on May 10, 2015. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 2015.
5. Respondent's nursing employment history includes:

8/2015 – 8/2017	Registered Nurse	Kindred Hospital Houston, TX
12/2016 – 12/2018	Registered Nurse	HCA Houston Healthcare Conroe, TX

12/2018 – 10/2019	Registered Nurse	HCA Houston Healthcare Tomball, Texas
11/2018 – Present	Registered Nurse	Memorial Hermann
03/2020 – Present	Registered Nurse	The University of Texas MD Anderson Cancer Center

6. At the time of the initial incident, Respondent was employed as a Registered Nurses with HCA Houston Healthcare Tomball, Tomball, Texas, and had been in that position for ten (10) months.
7. On or about February 1, 2019, while employed as a Registered Nurse by HCA Houston Healthcare Tomball, Tomball, Texas, Respondent failed to give a nursing report to a licensed person when Patient Medical Record Number BT0010277253 was transferred via air ambulance to another facility. Instead, Respondent gave report to a technician at the receiving hospital after giving report to the RN and EMT on the air ambulance. Respondent's conduct could have deprived the receiving facility's licensed staff of vital information needed to provide appropriate care to the patient with an acute health condition.
8. On or about April 17, 2019, while employed as a Registered Nurse by HCA Houston Healthcare Tomball, Tomball, Texas, Respondent failed to ensure pediatric Patient Medical Record Number BT0010431320 was placed on a monitor to the electronic medical chart after abnormal vital signs were detected in triage. Respondent also failed to reassess and/or document his reassessment of the patient's vital signs for more than five (5) hours. Subsequently, another nurse found the patient with tachypnea, a pulse of 150-160 bpm, and an oxygen saturation level of 87%. Additionally, Respondent failed to reassess and/or document his reassessment of the patient's temperature after administering Ibuprofen at 1448 for a temperature of 100.2. Respondent's conduct could have exposed the patient to risk of harm from lack of information that could be used to institute timely medical intervention.
9. On or about September 23, 2019, while employed as a Registered Nurse by HCA Houston Healthcare Tomball, Tomball, Texas, Respondent failed to timely and appropriately intervene when he was unable to obtain a blood pressure reading for Patient Medical Record Number BT00052307 who presented to the Emergency Department with poor oral intake for three (3) days. Subsequently, at 1445, the patient was found without a pulse or respirations and attempts at Cardiopulmonary Resuscitation (CPR) were unsuccessful. Respondent's conduct could have deprived the patient of timely medical interventions and may have contributed to the patient's demise.

10. In response to Finding of Fact Number Seven (7), Respondent states that when he called the receiving hospital he was transferred to the charge nurse's cell phone, and assumed he was speaking to the charge nurse when she told him she could take his report. After giving his report, Respondent requested the name and position of the person he gave report to so he could document it, and at that time the person informed him she was a tech and that nobody else was available to take report. Respondent also gave a nursing report to the RN and EMT on the air ambulance who gave report to the RN at the receiving hospital, and the physician also gave a report to the receiving physician. In response to Finding of Fact Number Eight (8), Respondent states that the four-year-old patient repeatedly removed the monitor and ran around the room, causing his abnormal vital signs. Respondent states that the patient underwent multiple imaging procedures and that the radiology technicians did not reset the monitor settings to cycle into the patient's chart, though while on the monitor, Respondent was able to assess the patient's vital signs in real time even though the monitor did not auto-populate and save in the patient's chart. In response to Finding of Fact Number Nine (9), Respondent states that he obtained a full set of vital signs for the patient at triage, but that the blood pressure reading did not save for some reason. Respondent remembered the approximate blood pressure value for the patient, but could not remember the exact reading and so did not chart the value after-the-fact. The physician either did not notice or was not concerned by the missing blood pressure, as he reviewed the chart and ordered labs for the patient. Upon notification by the patient's daughter that the patient was no longer breathing, Respondent immediately intervened by assessing the patient, calling a code, and initiating CPR per the family's wishes.

11. Formal Charges were filed on May 18, 2020.

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)(D),(1)(M),(1)(P),(3)(A)(i),(3)(A)(iv),(3)(A)(v)&(3)(B) 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 881675, heretofore issued to SCOTT LEE MASON.

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 **REPRIMAND 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" 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.

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. A Board-approved course in physical assessment 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 physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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.*

V. 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:** For the first year [four (4) quarters] of employment as a Nurse under this order, 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. Incident Reporting:** While employed at MD Anderson, Houston, Texas, and Central Staffing, Houston, Texas and under the terms of this Order, RESPONDENT SHALL CAUSE each 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. Further, while employed at MD Anderson, Houston, Texas, and Central Staffing, Houston, Texas, and under the terms of this Order, Respondent is not required to comply with the requirements of paragraph C of this section. However, should Respondent's employment with MD Anderson, Houston, Texas, or Central Staffing, Houston, Texas, cease while under the terms of this Order, Respondent shall be required to comply with the requirements of paragraph C of this section for the remainder of the Order, if any.
- E. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer and/or supervisor at each work site 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,

or the Respondent's employer, as applicable, and these reports shall be submitted by the supervising individual or employer, as applicable, 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.

VI. 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.

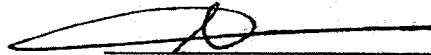
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I 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 29 day of September, 2020.



SCOTT LEE MASON, 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.

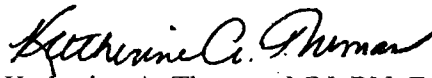


Elisabeth Smith, Attorney for Respondent

Signed this 29th day of September, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of September, 2020, by SCOTT LEE MASON, Registered Nurse License Number 881675, and said Agreed Order is final.

Effective this 10th day of November, 2020.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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