BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 584724	§	FOR
issued to THOMAS BOYD TALBOTT	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of THOMAS BOYD TALBOTT, Registered Nurse License Number 584724, 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 July 22, 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 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 Amarillo College, Amarillo, Texas, on December 17, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's nursing employment history includes:

   8/1992 – 12/1994   Unknown

Respondent's nursing employment history continued:

1/1995 – 2/2001	Registered Nurse	Spohn Hospital Shoreline Corpus Christi, Texas
3/2001 – 6/2001	Registered Nurse	Christus Spohn Hospital Memorial Corpus Christi, Texas
7/2001 – 7/2002	Registered Nurse	Citizens Medical Center Victoria, Texas
7/2002 – 10/2002	Registered Nurse	Christus Spohn Hospital Shoreline Corpus Christi, Texas
10/2002 – 1/2003	Registered Nurse	Elite Nursing Services Corpus Christi, Texas
1/2003 – 12/2003	Registered Nurse	Christus Spohn Hospital South Corpus Christi, Texas
1/2004	Unknown	
2/2004 – 2/2007	Registered Nurse	St. Joseph Medical Center Houston, Texas
3/2007 – 6/2007	Unknown	
7/2007 – 9/2010	Registered Nurse	Memorial Hermann Hospital Southeast Houston, Texas
10/2010	Unknown	
11/2010 – 2/2013	Registered Nurse	HCA Bayshore Medical Center Pasadena, Texas
2/2013 – 11/2013	Registered Nurse	St. Joseph Medical Center Houston, Texas
12/2013 – 9/2014	Registered Nurse	Christus Spohn Hospital Shoreline Corpus Christi, Texas
10/2014 - Unknown	Registered Nurse	HCA Houston Northwest Medical Center Houston, Texas
8/2017 - Present	Registered Nurse	HCA Houston Healthcare Mainland Texas City, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with HCA Houston Healthcare Mainland, Texas City, Texas, and had been in that position for two (2) years and two (2) months.

7. On or about October 10, 2019, while employed as a Registered Nurse with HCA Houston Healthcare Mainland, Texas City, Texas, Respondent failed to timely notify the physician regarding a critically high troponin level of 55.95 for Patient Account Number E00968402277 that resulted at 12:07 and was received by Respondent at approximately 13:20. Instead, Respondent exceeded the scope of his practice by ordering a redraw of the aforementioned patient's blood to obtain the troponin level again, which came back at 13:48 with a critically high level of 154.84. Prior to receipt of the results from the redraw, Respondent verbally informed the physician of the elevated troponin level. Subsequently, the aforementioned patient was taken to the cardiac catheterization laboratory and underwent a percutaneous coronary intervention at 15:35. Respondent's conduct was likely to injure the patient in that failure to timely notify the physician regarding the critical laboratory value could have deprived caregivers of pertinent information needed to make further medical decisions and resulted in a delay in care.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient initially had a Troponin level of 0.03 in the emergency department. Respondent states that he does not recall exactly when he was notified by the lab of the elevated Troponin level, but he is sure it was not exactly at 12:07. When Respondent received the result, he had a suspicion the result was in error given that the patient was in a mildly improved status with less chest pain upon arrival to the floor. Respondent states that he did document the call the next morning, indicating he received the call about 13:20. Respondent states that because he believed the lab result was in error, he quickly redrew the test and resent it. Respondent states that after resending the lab specimen, but before he received the result, he spoke to the physician on the unit and advised him of the elevated result. Respondent states that the physician told him that he was already aware of the result.

9. Formal charges were filed on April 8, 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)(P)&(3) 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 584724, heretofore issued to THOMAS BOYD TALBOTT.

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" 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 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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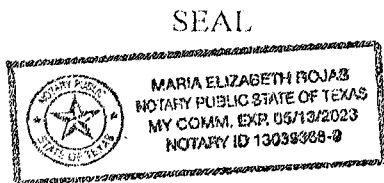CONTINUED ON NEXT PAGE.

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 **23** day of **September**, 20**20**.

Thomas B. Talbott
THOMAS BOYD TALBOTT, RESPONDENT

Sworn to and subscribed before me this **23** day of **September** 20 **20**.

SEAL

[Notary seal:
MARIA ELIZABETH ROJAS
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 06/13/2023
NOTARY ID 13039368-9]

Maria Elizabeth Rojas
Notary Public in and for the State of **Texas**

Approved as to form and substance.

Marc M Meyer
Marc Meyer, Attorney for Respondent

Signed this **23rd** day of **September**, 20**20**.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 23rd day of September, 2020, by THOMAS BOYD TALBOTT, Registered Nurse License Number 584724, and said Agreed Order for KSTAR Program is final.

Effective this 10th day of November, 2020.

Katherine A. Thomas

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