

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP103249 with Prescription	§	
Authorization Number 14497	§	
& Registered Nurse License Number 508927	§	
issued to KELLIE A MOELLER	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLIE A MOELLER, Advanced Practice Registered Nurse License Number AP103249 with Prescription Authorization Number 14497, and Registered Nurse License Number 508927, 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 January 14, 2021.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Midwife is in current status with Prescription Authorization Number 14497 in current status.
4. Respondent received an Associate Degree in Nursing from Alvin Junior College, Alvin, Texas, on May 1, 1983. Respondent completed a Nurse Midwife Program from Baylor College, Waco Texas, on March 4, 1989. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Midwife with Prescription Authorization on August 23, 1990.

5. Respondent's nursing employment history includes:

8/1983 – 3/2008

Unknown

4/2008 - Present

Certified Nurse
Midwife/Owner

Homebirth Experience, Inc.
Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Certified Nurse Midwife and owner of HomeBirth Experience, Inc., Houston, Texas, and had been in that position for eleven (11) years.

7. On or about April 30, 2019 through June 18, 2019, while employed as a Certified Nurse Midwife and owner of HomeBirth Experience, Inc., Houston, Texas, Respondent failed to appropriately collaborate with her supervising physician after assuming care of pregnant Patient K.G., who desired a home birth and had a complicated medical history. However, Respondent did confer with two other physician maternal fetal medicine specialists. Respondent again failed to sufficiently collaborate with her supervising physician after the patient, who also had a positive lab result for Group B Strep (GBS+), experienced rupture of membranes six (6) days prior to delivery, possibly exposing the fetus to GBS+ infection, and declined Respondent's recommendation for antibiotic treatment as well as transfer to the hospital to induce labor. Respondent's conduct could have harmed the patient and the fetus.

8. Respondent failed to maintain an adequate Advanced Practice Registered Nurse prescriptive authority agreement with a physician.

9. In response to the incident in Finding of Fact Number Seven (7), Respondent states non-stress tests conducted during the pregnancy were reactive with good fetal well-being and blood pressure readings obtained on bedrest were normal throughout the patient's prenatal visits. Respondent also states shoulder dystocia complicated the delivery. Further, Respondent states she recognized the baby was in distress at birth and immediately began cardiac compressions. Respondent states she accompanied the patient to the hospital to further communication with hospital providers. Respondent contends that she complied with all relevant protocols and standards of care related to the care of patient KG. This is confirmed by T.R. MD., a physician board certified in Obstetrics and Gynecology and Maternal Fetal Medicine who reviewed the chart and records pertaining to the care rendered by Respondent to patient KG and opined that Respondent provided "excellent care" and that in his opinion "based on 30 years of experience that this outcome would have been the same whether in a birthing center with a nurse midwife or in a hospital with a physician." Finally, patient KG expressed in an email to Respondent dated August 20, 2020, that she was completely satisfied with the care she received from Respondent and declared that "Kellie is an asset to the profession of midwifery and I will always be grateful for her experience, care and dedication to her patients.

10. Formal Charges were filed on July 31, 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)(D)(vi)&(1)(P) and 22 TEX. ADMIN. CODE §222.5.
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP103249 with Prescription Authorization Number 14497, and Registered Nurse License Number 508927, heretofore issued to KELLIE A MOELLER.

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.

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.
- B. **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.
- C. **The course "Professional Accountability,"** a 4.6 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. APRN EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, Homebirth Experience, Inc., 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 an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies: RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

B. Notification of Employment Forms: RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site

and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within five (5) days of employment as a nurse.

C. **Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as RESPONDENT who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

D. **Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician 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.

RESPONDENT'S CERTIFICATION

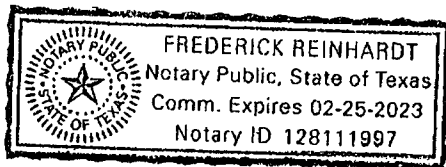
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. This Agreement is in settlement of disputed claims and nothing contained herein shall be construed as an admission of liability by me or any Party. 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 15th day of January, 2021.

Kellie A. Moeller
KELLIE A MOELLER, RESPONDENT

Sworn to and subscribed before me this 15 day of January, 2021.

SEAL



Frederick Reinhardt
Notary Public in and for the State of Texas

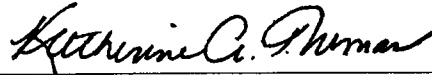
Approved as to form and substance.

John Rivas
John Rivas, Attorney for Respondent

Signed this 20 day of January, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of January, 2021, by KELLIE A MOELLER, Advanced Practice Registered Nurse License Number AP103249, and Registered Nurse License Number 508927, and said Agreed Order is final.

Effective this 23rd day of March, 2021.

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

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