

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 704201	§	FOR
issued to LORAIN EVANGELYN SMITH	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LORAIN EVANGELYN SMITH, Registered Nurse License Number 704201, 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 February 16, 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 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 McLennan Community College, Waco, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on April 1, 2004.

5. Respondent's nursing employment history includes:

5/2004 – 10/2019	Registered Nurse	Baylor Scott & White Medical Center- Hillcrest Waco, Texas
11/2019 - Present	Registered Nurse	Central Texas Institute of Plastic Surgery Waco, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Baylor Scott & White Medical Center - Hillcrest, Waco, Texas, and had been in that position for fifteen (15) years and one (1) month.
7. On or about June 12, 2019, while employed as a Registered Nurse with Baylor Scott & White Medical Center - Hillcrest, Waco, Texas, Respondent failed to properly label and administer intravenous medications to Patient MRN 5578991 in that Respondent mislabeled the intravenous tubing for Pitocin and Lactated Ringers. In addition, the Lactated Ringers was infusing via the infusion pump at the titrated Pitocin rate, while the Pitocin was infusing without the use of an infusion pump at an unknown rate. Later in the shift, while Respondent was on a break, another nurse provided care to Patient MRN 5578991, who requested an epidural. The other nurse opened the line Respondent had labelled "LR" by opening the roller clamp in order to administer a fluid bolus in preparation for the patient's receipt of the epidural, but realized that the tubing marked "LR" was actually the medication, Pitocin; thus, the other nurse administered an intravenous bolus of Pitocin. Subsequently, the patient's fetus experienced a prolonged deceleration, but recovered. Respondent's conduct was likely to injure the patient in that failure to correctly administer medications could have resulted in non-efficacious treatment.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that it was a very busy morning and she does not know how she put a lactated ringers label on the Pitocin line. Respondent states that she was very sorry and did not know how this accident occurred.

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)(M)&(1)(C) and 22 TEX. ADMIN. CODE §217.12(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 704201, heretofore issued to LORAIN EVANGELYN SMITH.
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.

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.

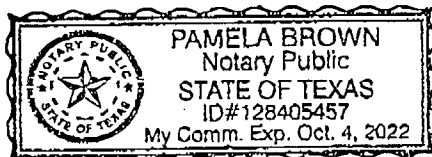
Signed this 30 day of April, 2021.

Loraine Evangelynn Smith

LORAIN EVANGELYNN SMITH, RESPONDENT

Sworn to and subscribed before me this 30 day of April, 2021.

SEAL



Notary Public in and for the State of Texas

County of McLennan

Expires 04 OCT 2022

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254.866.1034

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 30th day of April, 2021, by LORAIN EVANGELYN SMITH, Registered Nurse License Number 704201, and said Agreed Order for KSTAR Program is final.

Effective this 8th day of June, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line underneath.

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