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*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 223970	§	
issued to ABIGAL ROSE WEBB	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ABIGAL ROSE WEBB, Vocational Nurse License Number 223970, 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) and (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 the date indicated below.

### 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Hill College, Clifton, Texas, on August 14, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on September 15, 2009.
5. Respondent's nursing employment history includes:

9/2009 – 2/2010	Licensed Vocational Nurse	Goodall-Witcher Hospital Clifton, Texas
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Respondent's nursing employment history continued:

3/2010 – 7/2010 Unknown

8/2010 – 12/2017 Licensed Vocational Nurse Town Hall Estates-Whitney  
Whitney, Texas

1/2018 – 9/2018 Unknown

10/2018 – 8/2019 Licensed Vocational Nurse Goodall-Witcher Clinic - Whitney  
Whitney, Texas

8/2019 – Present Licensed Vocational Nurse Goodall-Witcher Home Health  
Clifton, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Town Hall Estates-Whitney, Whitney, Texas, and had been in that position for six (6) years and nine (9) months.
7. On or about May 4, 2017, while employed as a Licensed Vocational Nurse with Town Hall Estates - Whitney, Whitney, Texas, Respondent did not confirm that all facility procedures were followed on Resident JA's laboratory test results, which had been received during the previous charge nurse's shift. As a result, it was not reported to Resident JA's physician that the resident was hyponatremic, hypokalemic, and hypochloremic with elevated creatinine and blood urea nitrogen (BUN) levels. Respondent's conduct was likely to injure the resident from clinical care decisions formulated based upon incomplete information. When Respondent contacted the Patient's physician on May 8, 2017 concerning a medication order, she did not communicate that the patient was still not eating and drinking and was weak.
8. In response to the incident in Finding of Fact Number Seven (7), Resident JA was examined by her physician on May 3, 2017, who charted that she was having difficulty eating and drinking. Respondent charted that the Resident was refusing to eat on May 5, 2017 and May 8, 2017, and attempted to arrange for the Resident's family to bring the Resident's favorite foods for her to eat. Respondent states that the labs in question were received during the prior nurse's shift. Respondent never saw the lab results while Resident JA was a resident in the facility. Respondent states she was not responsible for notifying the doctor and if the labs were faxed and put in the book, per facility procedure, and she would not have looked at them unless the doctor responded back on her shift or there was a change in condition and she needed to notify the doctor.

9. Formal Charges were filed on January 7, 2020.
10. By agreeing to entry of this Agreed Order, Respondent neither admits nor denies any of the factual findings contained herein. The Board and Respondent stipulate that Respondent is agreeing to entry of this Agreed Order to avoid the expense and uncertainty of future proceedings.

#### 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)(P) and § 217.12 (4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10) and (b) (13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 223970, heretofore issued to ABIGAL ROSE WEBB.
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" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

## 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](http://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 eight (8) quarterly periods [ two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. Incident Reporting:** While employed as a Licensed Vocational nurse with Goodall-Witcher Home Health, Clifton, Texas, RESPONDENT SHALL CAUSE this 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.
- D. Direct Supervision:** Should Respondent's employment as a Licensed Vocational Nurse with Goodall-Witcher Home Health, Clifton, Texas, cease or change, the following terms apply: For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s).

**Indirect Supervision:** Should Respondent's employment as a Licensed Vocational Nurse with Goodall-Witcher Home Health, Clifton, Texas, cease or change, the following terms apply: For the remainder of the stipulation/probation period, 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 experience in the same or similar practice to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s).

**E. 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 eight (8) quarters [two (2) years] of employment as a nurse.

**F.** Pursuant to Title 22, Section 187.43 of the Texas Administrative Code, Respondent has the right to request termination of the terms of this Order beginning on the first anniversary of the date of entry of this Order.

## **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 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 8 day of June, 2021.

Abigail Rose Webb  
ABIGAIL ROSE WEBB, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form:

John Rivas or Taylor Roznovsky,

Attorneys for Respondent

Signed this 8<sup>th</sup> day of June, 2021



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of June, 2021, by ABIGAL ROSE WEBB, Vocational Nurse License Number 223970, and said Agreed Order is final.

Effective this 22nd day of July, 2021.

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

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