

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 857872	§	
issued to REBECCA LYNN FETZER	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of REBECCA LYNN FETZER, Registered Nurse License Number 857872, 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)(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 August 13, 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.
4. Respondent received an Associate Degree in Nursing from Vernon College, Vernon, Texas, on May 17, 2014. Respondent was licensed to practice professional nursing in the State of Texas on June 19, 2014.
5. Respondent's nursing employment history includes:

6/2014 – 5/2018	Registered Nurse	United Regional Health Care System Wichita Falls, Texas
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Respondent's nursing employment history continued:

6/2018 – Present

Registered Nurse

Texas Oncology
Wichita Falls, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with United Regional Health Care System, Wichita Falls, Texas, and had been in that position for three (3) years and six (6) months.
7. On or about December 11, 2017, while employed as a Registered Nurse with United Regional Healthcare System, Wichita Falls, Texas, Respondent discontinued the Propofol Infusion of Patient 099091, but failed to document the provider's order to discontinue the sedation in the patient's medication administration record. Respondent's conduct could have exposed the patient to an increased risk of injury in that an inaccurate medical record was created on which subsequent caregivers could have relied.
8. On or about February 25, 2018, while employed as a Registered Nurse with United Regional Healthcare System, Wichita Falls, Texas, Respondent administered IV Cardizem at 100ml per hour to Patient 334364, an incorrect rate per the physician's orders, believing she was administering IV Potassium. Respondent's conduct could have exposed the patient to an increased risk of injury, in that the administration of Cardizem, without following the titration required in a valid physician's order, could result in the patient suffering from adverse reactions.
9. On or about April 14, 2018, while employed with United Regional Health Care System, Wichita Falls, Texas, Respondent failed to notify the physician when radiology confirmed the feeding tube of Patient MR 02-98-28 was located in the gastroesophageal junction, but did not indicate it was inappropriately placed. Respondent started the patient's tube feeding using the improperly placed feeding tube. Respondent's conduct could have injured the patient from unknown or undetected changes in condition and exposed the patient to the risk of aspiration.
10. In response to Finding of Fact Number Seven (7), Respondent states that the order to discontinue the propofol was a verbal order given at the bedside by the physician during morning rounds. Respondent acknowledges that the order to discontinue the propofol was not charted by her in the medical administration record. However, Respondent further states that she charted in the medical record that the propofol infusion was stopped and the new fentanyl infusion was started, as well as charted the new fentanyl order in the medical administration record. In response to Finding of Fact Number Eight (8), Respondent states both medications in questions were being prepared to order in the pharmacy at this point in time and being sent via tube system to the floors. Due to the pharmacy mixing both medications and sending them to the floor, both arrived in the same size bags with similar labels. At 0852 Respondent states she scanned medications, including potassium and Cardizem. In the patient's bin of medications received from the pharmacy via the tube system, there were two identical bags placed on top of each other.

After verifying the correct patient, Respondent took the bags to the patient's room to administer. Respondent states she experienced a scanning error while prepping the medication. As previously mentioned, Respondent states she recalls looking at the label and ensuring the name and medication were correct, and to her best knowledge they were. Respondent states she mentioned to the charge nurse that she still had not received the Cardizem drip and had to delay the current drip with the bag being empty. Respondent states that it was about that same time that the pharmacist informed her that pharmacy sent up the bag some time ago, and that the bag was the last bag currently available. The charge nurse on the floor went to the patient's room to review the medications and found the supposed missing bag of Cardizem hanging where the potassium should be, running at the rate that the potassium should be. Respondent states that it appears when scanning the medications, the second dose of potassium was not available and she mistook the scan error to be this missing medication. In response to Finding of Fact Number Nine (9), Respondent states it was noted by the patient's family that the patient's feeding tube was laying on the floor, completely dislodged from the patient. Respondent states she measured the patient from the tip of the nose, to the tragus of the ear, to the bottom of the Xiphoid process. Audible air injection was heard at this point and states the patient continued to have a weak cough throughout the procedure, but it did not appear increased compared to his cough since the beginning of the shift. The patient denied pain at this point. At 1155 a chest x-ray was completed at bedside with the patient sitting upright in the chair. At 1206 chest x-ray was dictated by radiologist stating tip of the feeding tube was at the gastroesophageal junction, but there was no indication that there was a problem with the placement, as Respondent was accustomed to reading, if there was a misplacement.

11. On September 2, 2018, Respondent completed a Board-approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this order.
12. On November 3, 2018, Respondent completed a Board-approved course in Nursing Jurisprudence and Ethics, which would have been a requirement of this order.
13. On July 29, 2021, Respondent completed a Board-approved course in Medication Administration, which would have been a requirement of this order.
14. Formal Charges were filed on May 17, 2021.

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)(C),(1)(D),(1)(M)&(1)(P).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 857872, heretofore issued to REBECCA LYNN FETZER.
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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. 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. 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:** 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.

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 four (4) quarters [one (1) year] of employment as a nurse.

- D. **Exception for Incident Reporting at Texas Oncology, Wichita Falls, Texas:** For so long as Respondent remains employed in her current position as a Registered Nurse with Texas Oncology, Wichita Falls, Texas, RESPONDENT SHALL CAUSE each of these employers 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. Multiple employers are prohibited.

Should Respondent's current position as a Registered Nurse at Texas Oncology, Wichita Falls, Texas, cease or change, RESPONDENT must comply with the supervisory requirements of paragraph C of this section for the remainder of the Order. Multiple employers are prohibited.

- 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 four (4) quarters [one (1) year] of employment as a nurse.

V. **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 18th day of August, 2021.

Rebecca Lynn Fetzer
REBECCA LYNN FETZER, 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. True

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 18th day of August, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of August, 2021, by REBECCA LYNN FETZER, Registered Nurse License Number 857872, and said Agreed Order is final.

Effective this 14th day of September, 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