



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*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 322901	§	FOR
issued to MARY ELLEN BROWN	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARY ELLEN BROWN, Vocational Nurse License Number 322901, 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 12, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Lone Star College - Kingwood, Kingwood, Texas, on August 18, 2014. Respondent was licensed to practice vocational nursing in the State of Texas on October 21, 2014.
5. Respondent's nursing employment history includes:

10/2014 – 12/2014      Unknown

Respondent's nursing employment history continued:

01/2015 – 04/2019	Licensed Vocational Nurse	Kelsey–Seybold Woodlands OB/GYN Clinic The Woodlands, Texas
05/2019 – Current	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Kelsey–Seybold Woodlands OB/GYN Clinic, The Woodlands, Texas, and had been in that position for three (3) years and five (5) months.
7. On or about June 20, 2018, while employed as a Licensed Vocational Nurse at Kelsey–Seybold Woodlands OB/GYN Clinic, The Woodlands, Texas, Respondent inappropriately administered a T-dap immunization to Patient MRN94981123 instead of Gardasil as ordered by the physician. Respondent's conduct was likely to injure the patient from medication administered without the benefit of a physician's expertise.
8. On or about December 21, 2018, while employed as a Licensed Vocational Nurse at Kelsey–Seybold Woodlands OB/GYN Clinic, The Woodlands, Texas, Respondent failed to document the administration of Depo Provera to Patient MRN88856927 as ordered by the physician. The patient was required to undergo additional lab test to confirm she was not pregnant. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient and/or put patient at risk of pregnancy.
9. On or about March 22, 2019, while employed as a Licensed Vocational Nurse at Kelsey–Seybold Woodlands OB/GYN Clinic, The Woodlands, Texas, Respondent failed to accurately document a request for Insulin refill in the medical record of Patient MRN88899562. Instead, Respondent inappropriately documented the request for Insulin in the medical record of Patient MRN37715422, who was not prescribed Insulin. Respondent's conduct resulted in inaccurate medical records and was likely to injure the patients from subsequent care decision made without the benefit of reliable information.
10. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she did not check the order on the chart before administering the vaccine to the patient. Respondent states that when she went to document the vaccine, she realized she had given the wrong one, so she immediately went to her supervisor and then the physician to inform them of the error. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she administered the Depo shot to the patient, who then asked if she could also get her Tdap vaccine. Respondent states that she asked the physician, who approved it, and Respondent administered the vaccine, though forgot to document the Depo shot in the patient's chart. In response to the incident in Finding of Fact Number Nine (9), Respondent states that she was working the phones that day and had multiple charts open. Respondent states that she was entering a telephone note for the patient because her insulin

was not covered, and documented in the wrong chart. Respondent adds that she was not aware that she needed to tell her supervisor when making a mistake on a telephone encounter, and it was brought to her attention later.

### 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 322901, heretofore issued to MARY ELLEN BROWN.
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. 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 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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### RESPONDENT'S CERTIFICATION

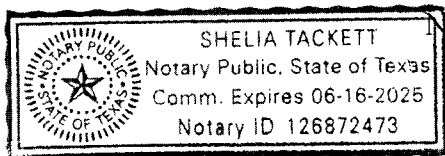
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 7th day of September, 2021.

Mary Ellen Brown  
MARY ELLEN BROWN, RESPONDENT

Sworn to and subscribed before me this 07 day of September, 2021.


SEAL



Shelia Tackett  
Notary Public in and for the State of Tx

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 7th day of September, 2021, by MARY ELLEN BROWN, Vocational Nurse License Number 322901, and said Agreed Order for KSTAR Program is final.

Effective this 21st day of October, 2021.

A handwritten signature in cursive script, reading "Katherine A. Thomas", written in black ink.

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