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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 894802 §
issued to BRITTANY NICOLE KAY §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRITTANY NICOLE KAY, Registered Nurse License Number 894802, 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 November 25, 2020.

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 Midland College, Midland, Texas, on December 11, 2015. Respondent was licensed to practice professional nursing in the State of Texas on February 16, 2016.
5. Respondent's nursing employment history includes:

1/2016 - Present Registered Nurse United Regional Health Care System
Wichita Falls, Texas
6. At the time of the incident, Respondent was employed as a Registered Nurse with United Regional Health Care System, Wichita Falls, Texas, and had been in that position for four (4) years.

7. On or about January 20, 2020, while employed as a Registered Nurse with United Regional Health Care System, Wichita Falls, Texas, Respondent exceeded the scope of her practice when she administered a bolus of fentanyl to Patient Medical Record Number 704463 without a physician order. In addition, Respondent failed to document the administration of the fentanyl bolus. Subsequently, the aforementioned patient's blood pressure dropped necessitating additional interventions, including the administration of vasopressor medications, fluid boluses, and albumin. Respondent's conduct could have contributed to injury to the patient in that the administration of medication without a physician's order resulted in non-efficacious treatment. Respondent's conduct resulted in an inaccurate medical record, and could have contributed to injury to the patient in that subsequent caregivers would not have accurate and complete information on which to base their decisions for further care.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she started her shift receiving report on the patient from the off-going nurse at the nurse's station, however, they moved to the patient's bedside as the patient became agitated. Respondent states that the patient did not seem to respond to the upward titration of fentanyl that the nurse had previously administered, so Respondent titrated and increased the dose of versed. Respondent states that the patient's blood pressure was within normal limits. Respondent states that she and the other nurse discussed increasing the dose of fentanyl, so she went to retrieve the key from the charge nurse desk where she explained the situation to both of the charge nurses present. Respondent states that the other nurse called from the patient's room to let her know that the key was still at the bedside. Respondent states she used the charge phone to call the hospitalist to obtain restraint orders and proceeded back to the patient's room. Respondent states that the other nurse proceeded to administer a versed bolus, however, the patient remained agitated. Respondent states that she verbalized to the other nurse that she intended to administer a bolus of fentanyl, rather than titrate the fentanyl drip any further at that time. Respondent states that she opened the syringe chamber, held it up to eye level, and pressed the plunger down until she had administered 1 ml or 50 mcg of fentanyl. Respondent states that the patient calmed down, but her blood pressure began to rapidly drop. Respondent states that since the patient was still hooked up to levophed, which the other nurse had turned off, she restarted the levophed and decreased the doses of fentanyl and versed. The Charge Nurse immediately assisted Respondent in notifying medical providers and receiving additional orders to increase the patient's blood pressure with IV fluid boluses and albumin.

9. On or about July 5, 2020, Respondent successfully completed a Board-approved course in sharpening critical thinking skills, which would have been a requirement of this Order.

10. On or about September 16, 2020, Respondent successfully completed a Board-approved course in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.

11. On or about September 30, 2021, Respondent completed the didactic portion of the Physical Assessment Workshop course which would have been a requirement of this Order.

On or about October 1, 2021, Respondent completed the didactic portion of the Medication Administration course which would have been a requirement of this Order. The clinical portions of both of these courses must be successfully completed by Respondent under this Order.

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)(P) and 22 TEX. ADMIN. CODE §217.12(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 894802, heretofore issued to BRITTANY NICOLE KAY.
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" 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 medication administration** 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: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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.

- 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.

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. 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. **Incident Reporting:** While employed as a Registered Nurse under this Order, RESPONDENT SHALL CAUSE each 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. **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.

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 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 7 day of OCTOBER, 20 21.

Brittany Nicole Kay
BRITTANY NICOLE KAY, 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 *W*

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 8th day of October, 20 21.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of October, 2021, by BRITTANY NICOLE KAY, Registered Nurse License Number 894802, and said Agreed Order is final.

Effective this 9th day of November, 2021



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