



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

In the Matter of § AGREED ORDER
Registered Nurse License Number 839998 §
issued to HEATHER NICOLE ASH §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HEATHER NICOLE ASH, Registered Nurse License Number 839998, 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)(effective through 8/31/21), 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 September 10, 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 a Baccalaureate Degree in Nursing from Baylor University, Dallas, Texas, on May 17, 2013. Respondent was licensed to practice professional nursing in the State of Texas on July 9, 2013.
5. Respondent's nursing employment history includes:

7/2013 – 9/2013 Unknown

Respondent's nursing employment history continued:

10/2013 – 2/2017	RN	BSWH Baylor University Medical Center at Dallas Dallas, Texas
6/2014 – 12/2020	RN	Dallas Regional Medical Center Dallas, Texas
4/2017 – Unknown	RN	Texas Health Presbyterian Hospital of Dallas Dallas, Texas
1/2021 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Scott and White Baylor University Medical Center, Dallas, Texas, and had been in that position for approximately three (3) years and four (4) months
7. On or about November 15, 2016, while employed with BSWH Baylor University Medical Center, Dallas, Texas, Respondent inappropriately administered Magnesium Sulfate 2g intravenously to Patient #62088745 as a bolus, over fifteen (15) to twenty (20) minutes, instead of over two (2) hours, as ordered without clarification of the order or collaboration with the ordering provider. Additionally, the patient experienced burning at the site and required Benadryl. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the patient had a reaction to the bolus administration.
8. On or about January 9, 2017, while employed with BSWH Baylor University Medical Center, Dallas, Texas, Respondent failed to perform positive patient ID (use of two patient identifiers) and instead used the label belonging to a previous patient that Respondent placed on the blood specimen of Patient MRN 1054645. Additionally, Respondent failed to verify the label with the patient or another worker after collection of the blood specimen and instead inappropriately signed the initials of the patient. Respondent's conduct unnecessarily exposed the patient to risk of harm in that the patient could have received inappropriate treatment based on the lab results.
9. In response to Findings of Fact Numbers Seven (7), Respondent states she was under the impression that the Mag Sulfate was ordered as a smooth muscle relaxer for the patient's COPD exacerbation. According to Respondent, she was looking at the order with another co-worker because she was unable to find her preceptor. The coworker stated that in these scenarios, they give their Mag Sulfate over 20 minutes and much of the time the doctor enters the order incorrectly. Respondent states she administered the Mag Sulfate over 20 minutes and the patient had a reaction of burning that required Benadryl. In response to

Finding of Fact Number Eight (8), Respondent states her patient's initial blood work was labeled with the correct labels and the patient asked her to initial them after checking them because she was too weak to write. Respondent adds that the morning labs were ordered, and after she drew them from the peripheral IV, Respondent labeled them with the labels in the room. Respondent states they are required to have either the patient or another worker verify the label before sending the blood to the lab. Respondent had not realized that there were two labels in the room-one of the patients and one from the previous patient. Respondent claims she initially checked the patient's labels; however, she signed the wrong sheet without realizing. Respondent dropped the blood off at the lab, but returned minutes later after realizing the wrong label was placed on the tube. Respondent states she made a mistake by labeling FOR the patient and completely sees the error that was made.

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)(N) and 22 TEX. ADMIN. CODE §217.12(1)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 839998, heretofore issued to HEATHER NICOLE ASH.
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.

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 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.

- 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.*

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:** 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

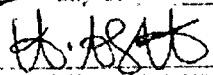
Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 licensure(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

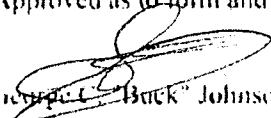
Signed this 2 day of DECEMBER, 2021.

HEATHER NICOLE ASH, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

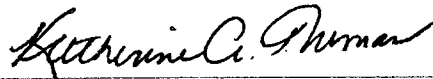
Approved as to form and substance.


George C. "Buck" Johnson, Jr., Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of December, 2021, by HEATHER NICOLE ASH, Registered Nurse License Number 839998, and said Agreed Order is final.

Effective this 20th day of January, 2022.



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