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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Vocational Nurse License Number 324534 §
issued to MIACHEL ANNETTE FLINT §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MIACHEL ANNETTE FLINT, Vocational Nurse License Number 324534, 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 February 4, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Texarkana College, Texarkana, Texas, on August 14, 2014. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 2015.
5. Respondent's nursing employment history includes:

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|-----------------|---------------------------|-----------------------------------|
| 1/2015 - 4/2015 | Licensed Vocational Nurse | Reunion Place Texarkana, Texas |
|-----------------|---------------------------|-----------------------------------|

Respondent's nursing employment history continued:

| | | |
|-----------------|---------------------------|--|
| 4/2015-10/2018 | Licensed Vocational Nurse | La Salle Corrections- Bowie County Correctional Center Texarkana, Texas |
| 4/2018-10/2018 | Licensed Vocational Nurse | Southwest Arkansas Community Corrections Texarkana, Arkansas |
| 10/2018- 2/2021 | Licensed Vocational Nurse | Dallas Nephrology Associates Dallas, Texas |
| 10/2019-10/2020 | Licensed Vocational Nurse | Care Now Garland, Texas |
| 11/2020-Present | Licensed Vocational Nurse | Crossover Health Garland, Texas |
| 08/2020-Present | Licensed Vocational Nurse | ReSkin Dallas, Texas |

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with LaSalle Corrections, and on assignment at Bowie County Correctional Center, Texarkana, Texas, and had been in that position for three (3) months.
7. On or about July 19, 2015, through July 20, 2015, while utilizing a Privilege to Practice Nursing from the State of Texas and employed as a Licensed Vocational Nurse with LaSalle Corrections, on assignment at Bowie County Correctional Center, Texarkana, Texas, Respondent failed to adequately assess Arkansas resident/detainee of Bi-State Jail Patient MS and intervene when the patient presented for intake to the facility. The patient had diagnoses of hypertension, insulin dependent diabetes, and asthma, and had a blood pressure reading of 166/99 on admission. Respondent failed to contact the jail physician for medication orders pertinent to his diagnoses and failed to assess the patient's glucose levels. Additionally, the patient was brought back to the nurse's station later during Respondent's shift, and the patient reported shortness of breath. Respondent assessed his heart rate to be 115 and oxygen saturation at 90%, though she failed to obtain other vital signs or glucose readings; and again failed to notify the physician. The patient never received insulin or other medications while in custody and expired on July 22, 2015. Respondent's conduct was likely to injure the patient from clinical care decisions based upon incomplete assessment information, and deprived the physician of information that would be required to institute timely medical interventions to stabilize the patient's medical conditions.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that when she performed the intake screening on the patient, he reported asthma, diabetes, and hypertension. Respondent states that he was placed on a diabetic diet; she made request for his medical records and active prescriptions from identified physicians; and placed the patient on daily blood pressure checks and daily insulin checks. Respondent states that when the patient was returned to the nurse's station later, he complained of shortness of breath. Respondent states that the initial pulse oxygenation reading was 90%, but when he coughed and it was rechecked, it went up to 92%. Respondent states that the patient was placed in a medical observation cell so he could be monitored. Respondent states that she instructed the inmate that he should attempt to sit up a bit while sleeping since it was difficult for him to breathe while lying down flat. Respondent adds that there were no mandatory nursing protocols in place at the time for sick calls or emergency situations. Respondent's involvement with the patient was limited to two evaluations, one at the time of intake on July 19, 2015 and the other in the early morning hours of July 20, 2015. Respondent was not present at the facility following 5:00 a.m. on July 20, 2015. The patient subsequently expired forty-eight hours later when Respondent was not present.

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)(D),(1)(M),(1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
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 324534, heretofore issued to MIACHEL ANNETTE FLINT.
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 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.
- D. **The course "Professional Accountability,"** a 4.6 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:** While employed as a Licensed Vocational Nurse with Crossover Health, Garland, Texas and ReSkin, Dallas, Texas: 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. **Indirect Supervision:** Should Respondent's employment as both a Licensed Vocational Nurse with Crossover Health, Garland, Texas and ReSkin, Dallas, Texas, cease or change, the following terms apply for the remainder of the order, if any: 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 are prohibited UNLESS, Respondent applies for a written exception to the Board and that request is granted.

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.

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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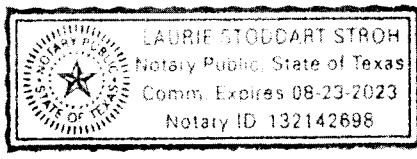
RESPONDENT'S CERTIFICATION

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 7th day of December, 2021.
M. [Signature]
MIACHEL ANNETTE FLINT, RESPONDENT

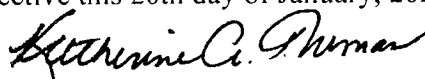
Sworn to and subscribed before me this 7th day of December, 2021.

SEAL Laurie Stoddart Stroh
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of December, 2021, by MIACHEL ANNETTE FLINT, Vocational Nurse License Number 324534, 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