

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 960311	§	
& Vocational Nurse License Number 231078	§	
issued to ANDREA NICOLE TALBERT	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREA NICOLE TALBERT, Registered Nurse License Number 960311, and Vocational Nurse License Number 231078, 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 October 1, 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 delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Fortis College, Houston, Texas, on August 31, 2010. Respondent received an Associate Degree in Nursing from College of Health Care Professions, Houston, Texas, on September 28, 2018. Respondent was licensed to practice vocational nursing in the State of Texas on October 7, 2010. Respondent was licensed to practice professional nursing in the State of Texas on January 24, 2019.

5. Respondent's nursing employment history includes:

10/2010 – 9/2018	Unknown	
10/2018 – 1/2019	Registered Nurse	Sterling Oaks Rehabilitation Katy, Texas
2/2019 – 7/2019	Registered Nurse	Bayou Manor Houston, Texas
4/2019 – 9/2019	Registered Nurse	Vibralife Rehabilitation Center Katy, Texas
10/2019 – 8/2020	Registered Nurse	Maxim Healthcare Katy, Texas
12/2019 – 8/2020	Registered Nurse	Eagle's Trace Continuing Care Houston, Texas
8/2020 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Vibralife Rehabilitation Center, Katy, Texas, and had been in that position for approximately three (3) months.
7. On or about July 31, 2019, while employed as a Registered Nurse with Vibralife Rehabilitation Center, Katy, Texas, and providing care for Patient Medical Record Number VLKY237, Respondent failed to appropriately notify her supervisor when the physician ordered One (1) Liter Normal Saline (NS) Intravenous (IV) Fluids were not available for use in the facility, to discuss and critically evaluate options whereby the patient could receive the physician ordered NOW IV infusion treatment for dehydration. The patient had a history of oxygen dependent Chronic Obstructive Pulmonary Disease (COPD), chronic bronchitis, prior hospitalization for pneumonia and prior Clostridioides difficile infection. Respondent's conduct may have injured the patient from lack administration of IV fluids.
8. On or about July 31, 2019, while employed as a Registered Nurse with Vibralife Rehabilitation Center, Katy, Texas, and providing care for Patient Medical Record Number VLKY237, Respondent failed to appropriately notify her supervisor, and/or the provider, when the provider ordered NOW intravenous (IV) infusion of one (1) liter Normal Saline (NS) had not been administered three hours later. For three days the patient had experienced dehydration, worsening abdominal pain, worsening cough and adventitious respiratory sounds with chronic, ongoing diarrhea. Respondent's conduct may have injured the patient from lack of medication intervention for dehydration.

9. On or about July 31, 2019, while employed as a Registered Nurse with Vibrantlife Rehabilitation Center, Katy, Texas, and providing care for Patient Medical Record Number VLKY237, Respondent failed to appropriately intervene and rescue the patient, for critical laboratory results of White Blood Count (WBC) 46.3 and Potassium (K) 5.5. Instead Respondent received an order for 125mg Vancomycin to be administered by mouth four times daily, without advocating the patient be emergently transferred to the hospital for a higher level of care. Further, Respondent failed to notify the family of the critical lab results. Subsequently, the patient was sent to the local emergency department that night and died August 1, 2019. Respondent's conduct likely injured the patient from lack of timely medical interventions for critical laboratory results..
10. In response to Finding of Fact Number Seven (7), Finding of Fact Number Eight (8), and Finding of Fact Number Nine (9), Respondent reports the number of acute care patients she was assigned exceeded the recommended patient load, and she reported to her management during the beginning of the shift that the patient load was too heavy. Respondent reports after 2:00 PM her attention shifted to another patient assigned to her who was unresponsive, and this patient was transported to a higher level of care by Emergency Management Services (EMS) around 6:30 PM.

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)&(3)(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 Registered Nurse License Number 960311, and Vocational Nurse License Number 231078, heretofore issued to ANDREA NICOLE TALBERT.
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.

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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. 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. **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.
- C. **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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.

- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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.
- 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 eight (8) quarters [two (2) years] 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 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 3rd day of FEB, 2022.

Andrea Talbert

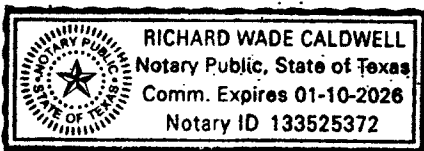
ANDREA NICOLE TALBERT, RESPONDENT

Sworn to and subscribed before me this 3rd day of FEB, 2022.

SEAL

Richard Caldwell

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 3rd day of February 2022, by ANDREA NICOLE TALBERT, Registered Nurse License Number 960311, and Vocational Nurse License Number 231078, and said Agreed Order is final.

Effective this 8th day of March 2022.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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