



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
Vocational Nurse License Number 307403
issued to MEHGAN SMITH

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MEHGAN SMITH, Vocational Nurse License Number 307403, 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)(9),(10),(12)&(13)(effective through 8/31/2021), &(14)(effective 9/1/2021), 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 June 1, 2023.

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 Career Point College, San Antonio, Texas, on April 13, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 2012.
5. Respondent's nursing employment history includes:

06/2012 – 07/2018	Unknown
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Respondent's nursing employment history continued:

08/2018 – 03/2019	Wellness Director	Brookdale Senior Living San Antonio, TX
04/2019 – 05/2019	Unknown	
06/2019 – 02/2020	Wellness Director	Sodalis- Stone Oak San Antonio, TX
02/2020 – 04/2020	Health and Wellness	Sagora- Landon Ridge San Antonio, TX
05/2020 – 07/2020	Unknown	
08/2020 – 09/2020	LVN	Blanco Villa Rehab San Antonio, TX
10/2020	Unknown	
11/2020 – 06/2021	Charge Nurse	Army Residence Community Live Oak, TX
07/2021 – 10/2022	Charge Nurse	The Rio at Mission Trails San Antonio, TX
10/2021 – 06/2022	Resident Director	The William San Antonio, TX
07/2022 - Unknown	Charge Nurse	Normandy Terrace San Antonio, TX

6. At the time of the initial incident, Respondent was employed as a Vocational Nurse with Army Residence Community, and had been in that position for three (3) months.
7. On or about February 2, 2021, while employed as a Licensed Vocational Nurse at The Army Residence Community, San Antonio, Texas, Respondent signed out one (1) tablet of hydrocodone-acetaminophen 5mg-325mg for Resident QB but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left the medication unaccounted for, was likely to deceive the facility pharmacy, and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about February 2, 2021, and March 31, 2021, while employed as a Licensed Vocational Nurse at The Army Residence Community, San Antonio, Texas, Respondent misappropriated two (2) tablets of hydrocodone-acetaminophen 5mg-325mg belonging Resident QB, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the resident of the cost of the medication.
9. On or about March 31, 2021, while employed as a Licensed Vocational Nurse at The Army Residence Community, San Antonio, Texas, Respondent signed out one (1) tablet of hydrocodone-acetaminophen 5mg-325mg for Resident QB and subsequently falsified the signature of a colleague for the wastage of the medication. Respondent's conduct was deceptive, created an inaccurate medical record, and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code
10. On or about April 1, 2021, while employed as a Licensed Vocational Nurse at The Army Residence Community, San Antonio, Texas, and in the process of providing a urine specimen for a reasonable suspicion drug screen at Nova Medical Centers, San Antonio, Texas, Respondent was found in possession of a urine specimen belonging to another person. After being confronted by a laboratory technician, Respondent provided her own specimen, which resulted positive for Benzodiazepines and Morphine. Unlawful possession of Benzodiazepines and Morphine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of Benzodiazepines or Morphine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in residents' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the residents in potential danger.
11. On or about October 10, 2022, while employed as a Licensed Vocational Nurse with McCullough Hall Nursing Center, San Antonio, Texas, Respondent lacked fitness to practice nursing in that she exhibited impaired behavior, including: having slurred speech, appearing drowsy, unable to keep her eyes open, and slow to respond. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in residents' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the residents in potential danger.
12. On or about October 10, 2022, while employed as a Licensed Vocational Nurse with McCullough Hall Nursing Center, San Antonio, Texas, Respondent engaged in the intemperate use of Benzodiazepines, Morphine, and Opiates in that Respondent produced a specimen for a reasonable suspicion drug screen which resulted positive for Benzodiazepines, Morphine and Opiates. Unlawful possession of Benzodiazepines, Morphine and Opiates is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. . The use of Benzodiazepines, Morphine and Opiates by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a resident's condition, and could impair

the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the residents in potential danger.

13. On or about October 10, 2022, while employed as a Licensed Vocational Nurse with McCullough Hall Nursing Center, San Antonio, Texas, Respondent misappropriated, or failed to take precautions to prevent the misappropriation of, Hydrocodone in that a card of Hydrocodone APAP 5-325mg and a narcotic sheet were discovered in her purse. Respondent's conduct was likely to defraud the facility and residents thereof of the cost of the medications.
14. On or about October 10, 2022, while employed as a Licensed Vocational Nurse with McCullough Hall Nursing Center, San Antonio, Texas, Respondent failed to properly dispose of an empty narcotic card in that she placed it in a biohazard box for over-the-counter medications instead of giving it to the Director of Nurses or Assistant Director of Nurses. Respondent's conduct left medications unaccounted for, and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
15. On or about October 10, 2022, while employed as a Licensed Vocational Nurse with McCullough Hall Nursing Center, San Antonio, Texas, Respondent documented on the narcotic sheet that she administered Hydrocodone 5/325mg to Patient LL at 1300 but failed to document the number of tablets administered. Additionally, Respondent falsely documented that there were sixty (60) tablets remaining in that there were only fifty-six (56) tablets delivered to the facility. Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information to base their future care decisions.
16. In Response to Finding of Facts Seven (7) through Ten (10) and Finding of Facts Twelve (12) through Fifteen (15), Respondent in general denies all allegations, as they are untrue. Respondent states all medications are witnessed and there was no error. Respondent states she worked with a medication aide and that all medications were given witnessed. Respondent states it was a rule that narcotics were witnessed when removed from bottles or blister packs. Respondent again insists that all narcotics were witnessed. In Response to Finding of Fact Eleven (11), Respondent admits bringing the urine to her drug screen but denies any drug usage.
17. On or about April 24, 2023, and May 9, 2023, Respondent underwent a Chemical Dependency Evaluation with John K. Reid, Ph.D., P.C. Dr. Reid recommends Respondent participate for a significant period of time in individual psychotherapy or counseling with a licensed mental health provider. According to Dr. Reid, the Board might consider requiring Respondent to participate in an out-patient substance abuse treatment and education program, and that she also be referred to TPAPN. The Board also might consider having her complete random drug screening for controlled substances and/or restricting work duties such that she is only in positions where she does not have access to or is not required to administer controlled substances, at least until her mental health provider believes she has made significant progress in out-patient therapy.

18. Formal Charges were initially filed on February 1, 2023.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(A),(6)(H),(8),(10)(A),(10)(B),(10)(C),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452 (b)(9),(10),(12), (13)(effective through 8/31/2021)&(14)(effective 9/1/21), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 307403, heretofore issued to MEHGAN SMITH.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Vocational Nurse License Number 307403, previously issued to MEHGAN SMITH, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until
RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

- J. 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. 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 suspension being stayed, unless otherwise specifically indicated:**

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.

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.*

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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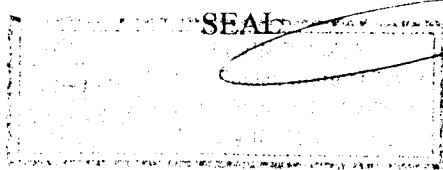
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RESPONDENT'S CERTIFICATION

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 28 day of August, 2023.
Morgan Smith

MORGAN SMITH, RESPONDENT

Sworn to and subscribed before me this 28 day of August, 2023.
 [Signature]

Notary Public in and for the State of Texas

*This letter was sent at end of July!
Contrary to the date of letter*

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of August, 2023, by MEHGAN SMITH. Vocational Nurse License Number 307403, and said Agreed Order is final.

Effective this 5th day of September, 2023.

Kristin K. Benton, DNP, RN
Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board