



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, MN, RN  
Executive Director  
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of § AGREED ORDER  
Registered Nurse License Number 512847 §  
issued to NANCY ANNE HAUSSER FHOLER §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NANCY ANNE HAUSSER FHOLER, Registered Nurse License Number 512847, 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 8/31/2021), 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 May 11, 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 professional nurse in the State of Texas is in current status.
- 4. Respondent received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on December 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1984.
- 5. Respondent's nursing employment history includes:

3/1984 – 8/1988 RN King's Daughter's Hospital  
Temple, Texas

Respondent's nursing employment history continued:

2/1986 – 2/1994	RN	US Air Force Reserve Nurse Corps Fort Worth, Texas
9/1988 – 8/1989	RN	All Saints Episcopal Hospital Fort Worth, Texas
9/1989 – 6/2021	RN	Baylor Scott & White Medical Center Temple, Texas
7/2021 – 8/2021	Unknown	
9/2021 – Present	RN	Central Texas Veterans Health System Temple, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Scott & White Medical Center, Temple, Texas, and had been in that position for thirty-one (31) years and five (5) months.
7. On or about February 1, 2021, while employed as a Registered Nurse with Baylor Scott & White Medical Center, Temple, Texas, Respondent submitted blood specimens with two different patient labels, within the same bag, to the lab for Patient Number 2600657. As a result, the specimens had to be discarded and new specimens obtained with the proper labels. Respondent's conduct unnecessarily delayed the patients' treatment and plan of care.
8. On or about April 24, 2021, while employed as a Registered Nurse with Baylor Scott & White Medical Center, Temple, Texas, Respondent accessed the intra-aortic balloon pump (IABP) arterial line of Patient Number 1053315 for a CBC blood draw, and flushed the arterial line, without a physician's order. Respondent's conduct unnecessarily exposed the patient to a risk of harm from complications associated with vascular injury.
9. On or about April 24, 2021, while employed as a Registered Nurse with Baylor Scott & White Medical Center, Temple, Texas, Respondent inappropriately administered a 250 ml Albumin bolus behind a Milrinone drip infusing at 2.5 ml/hour and a Magnesium drip infusing at 3.1 ml/hour, for Patient Number 10024613. Respondent's conduct unnecessarily exposed the patient to a risk of harm from complications associated with Milrinone and Magnesium toxicity, including hypotension, irregular heart rate, and gastrointestinal problems.
10. On or about April 25, 2021, while employed as a Registered Nurse with Baylor Scott & White Medical Center, Temple, Texas, Respondent submitted blood specimens to the lab

in the same bag, labeled with the same draw time and initials, for Patient Numbers 10024613 and 9033977. As a result, the blood specimens were discarded and had to be recollected. Respondent's conduct unnecessarily delayed the patients' treatment and plan of care.

11. On or about May 23, 2021, while employed as a Registered Nurse with Baylor Scott and White Medical Center, Temple, Texas, Respondent inappropriately reprogrammed the pump for Patient Number 7304889 to administer a Dobutamine drip at 7.5mcg/kg/min with a patient weight of 102.7kg instead of 7.5mcg/kg/min with a patient weight of 85.1kg, as ordered by the physician. Respondent's conduct unnecessarily exposed the patient to a risk of harm from complications, including chest pain, palpitations, and shortness of breath.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), regarding the blood specimens, Respondent admits she mislabeled one of the many tubes of blood that were collected and sent to the lab for processing. Respondent further states this error did result in a delay in obtaining results of the lab tests ordered. Regarding the IABP arterial line, Respondent states she has had orders written after lines were placed, stating that they were okay to use. Respondent states that these are the only orders she is aware of needing in order to use a patient's line and she believed this to be the case in this instance. Regarding the Albumin bolus, Respondent states the IV that she was going to use leaked from the site when flushed with Normal Saline, so she deemed it nonpatent. Respondent states she then attempted to place another IV but was unsuccessful. Respondent states the patient continued to be hypotensive and tachycardic, so she infused the Albumin bolus with the 5.6 ml combined total infusion of Milrinone and Magnesium in her only working IV; therefore, bolusing the small amount of Milrinone and Magnesium that was in the tubing into the patient. In hindsight, Respondent states she would infuse the Albumin downstream of the Milrinone and Magnesium next time. Respondent adds that the patient's blood pressure and heart rate improved after the completion of the Albumin infusion. Regarding the Dobutamine drip, Respondent states the pump malfunctioned and needed to be reprogrammed and she entered the patient's actual body weight of 102.7kg and not her ideal weight of 85.1kg which resulted in a difference of 3ml/hour in her infusion. Respondent states the patient was weaned off the medication shortly after this incident occurred.

#### 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)&(3) 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) (*effective through 8/31/2021*), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 512847, heretofore issued to NANCY ANNE HAUSSER FHOLER.
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 "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).
  
- D. **The course "Upholding the Standard: Professional Accountability in Nursing,"** a 5.5 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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](http://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. **Indirect Supervision:** 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.
- 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**

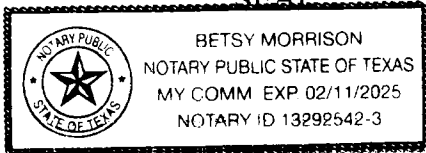
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 17<sup>TH</sup> day of OCTOBER, 2023.

Nancy Anne Hausser Fholer  
NANCY ANNE HAUSSER FHOLER, RESPONDENT

Sworn to and subscribed before me this 17<sup>TH</sup> day of OCTOBER, 2023.

SEAL



Betsy Morrison  
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 17th day of October, 2023, by NANCY ANNE HAUSSER FHOLER, Registered Nurse License Number 512847, and said Agreed Order is final.

Effective this 14th day of November, 2023.

*Kristin K. Benton, DNP, RN*

---

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