



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, FAAN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 845728
issued to NIKKI MARIE WELSH

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AGREED ORDER
FOR
KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the matter of NIKKI MARIE WELSH, Registered Nurse License Number 845728, 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)&(14)(effective September 1, 2021), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 17, 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 for KSTAR Program.
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 Colby Community College, Colby, Kansas, on May 1, 2007. Respondent was licensed to practice professional nursing in the State of Texas on October 8, 2013.

5. Respondent's nursing employment history includes:

5/2007 – 10/2009	Registered Nurse	St. Catherine's Hospital Garden City, Kansas
10/2009 – 5/2011	Registered Nurse	Renovo Garden City, Kansas
2/2011 – 10/2012	Registered Nurse	Scott County Hospital Scott City, Kansas
10/2012 – 3/2021	Registered Nurse	Davita Dialysis Tyler, Texas
3/2021 – 11/2021	Registered Nurse	Fresenius Kidney Care Tyler, Texas
12/2022 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Fresenius Kidney Care, Tyler, Texas, and had been in that position for eight (8) months.

1. On or about November 3, 2021, while employed as a Registered Nurse with Fresenius Kidney Care, Tyler, Texas, Respondent inaccurately documented administering one (1) tablet of Norco 10/325mg to Patient Medical Record Number 0228827 (Patient A.F.). Respondent later admitted to making a medication error and administering Norco to Patient Medical Record Number 0648592 (Patient R.W.). Respondent's conduct created an inaccurate medical record.
2. On or about November 3, 2021, while employed as a Registered Nurse with Fresenius Kidney Care, Tyler, Texas, Respondent withdrew one (1) tablet of Norco 10/325mg from the Medication Dispensing System for Patient Medical Record Number 0228827 (A.F.) but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medication. Respondent's conduct left medications unaccounted for and placed the facility in violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code
3. On or about November 3, 2021, while employed as a Registered Nurse with Fresenius Kidney Care, Tyler, Texas, Respondent inaccurately documented the administration of Norco 10/325mg in the Medication Administration Records (MAR) of Patient Medical Record Number 1087683 (Patient M.G.) and Patient Medical Record Number 1551245 (Patient M.O.), in that she documented the administration of the medication occurred prior to removing the medications from the Medication Dispensing System. Respondent's conduct created inaccurate medical records.

4. In response to Finding of Fact Number Seven (7), Respondent states she did make a medication error. She states she was forced to work an assignment that was out of ratio and was caring for seven (7) dialysis patients when she should have only had five (5). Respondent adds the computer scanners did not work, but states she administered the medication to the right patient but documented it under the wrong patient. In response to Finding of Fact Number Eight (8), Respondent states she did waste the medication, but failed to document the wastage in the pyxis system. In response to Finding of Fact Number Nine (9), Respondent states the computer scanners did not work, so she would look up the medication to double check. Respondent admits that she would chart, then administer.
5. Formal Charges were filed on June 15, 2023.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14)(*effective September 1, 2021*), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 845728, heretofore issued to NIKKI MARIE WELSH.
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 for KSTAR Program.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;
- B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;
- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and

- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order for KSTAR Program, 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. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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 27 day of October, 2023.

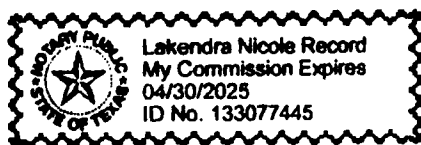
Nikki Marie Welsh
NIKKI MARIE WELSH, RESPONDENT

Sworn to and subscribed before me this 27th day of October, 2023.

SEAL

Lakendra Nicole Record

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 for KSTAR Program that was signed on the 27th day of October, 2023, by NIKKI MARIE WELSH, Registered Nurse License Number 845728, and said Agreed Order for KSTAR Program is final.

Effective this 12th day of December, 2023.

Kristin K. Benton, DNP, RN

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