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Melanie P. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 668008 § AGREED
issued to TILLIE M. SMITH § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TILLIE M. SMITH, hereinafter referred to as Respondent, Registered Nurse License Number 668008, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on February 7, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Rachel Sheeran, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Carolyn Schooley, RN, Investigator.

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.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Triton College, River Grove, Illinois, in May 1980. Respondent was licensed to practice professional nursing in the State of Texas on April 10, 2000.

5. Respondent's professional nursing employment history includes:

5/80 - 5/99	Staff Nurse Trauma Nurse	Loyola University Hospital Maywood, Illinois
3/92 - 10/94	Assistant Director of Nurses	West Suburban Hospital Oak Park, Illinois
6/99 - 5/00	Unknown	
6/00 - 10/00	Staff Nurse Emergency Room	North Central Medical Center McKinney, Texas
11/00 - 12/01	Agency Nurse	Nurse Stat Dallas, Texas
1/02 - 6/04	Staff Nurse Emergency Room	Presbyterian Hospital of Plano Plano, Texas
7/04	Unknown	
8/04 - 10/04	Staff Nurse Emergency Room	Richardson Regional Hospital Richardson, Texas
11/04 - Present	Unit Manager Intensive Care Unit	Centennial Medical Center Frisco, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Emergency Room with Richardson Regional Hospital, Richardson, Texas, and had been in this position for one (1) month.

7. On or about September 1, 2004, through October 20, 2004, while employed as a Staff Nurse in the Emergency Department with Richardson Regional Hospital, Richardson, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System but failed to completely and accurately document the administration of Demerol in the patients' Medication Administration Records or Nurses Notes, as follows:

Date	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes	Wastage
9/1/04	458682	Demerol 25 mg IV	Removed at 23:21	None	No Documentation	None
9/17/04	459505	Demerol 25 mg IV	Removed at 01:50	None	Administration time not documented	None
9/28/04	440583	Demerol 25 mg IM	Removed at 23:10	"Done" with time not documented	Medication name and dose not documented	None

Date	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes	Wastage
9/29/04	388028	None	Demerol 50 mg removed at 01:38	None	Patient was discharged at 22:25	None
10/1/04	460331	Demerol 25 mg IVP, may repeat x 1	Removed at 15:31	Administration documented at 15:40.	Administration documented at 16:45.	None
10/1/04	460336	Demerol 25 mg IM	Removed at 19:41	Administration documented at 20:00	Administration documented at 19:45	None
10/5/04	252822	Demerol 12.5 mg IV	Demerol 25 mg removed at 23:41	Administration of Demerol 12.5 mg documented at 23:15	Medication name and dose not documented at 23:15	None
10/5/04	460510	Demerol 25 mg IV	Removed at 14:55	Administration documented at 15:10	No Documentation	None
10/16/04	390440	Demerol 25 mg IV	Demerol 50 mg removed at 19:20	Demerol 25 mg documented at 19:35.	No Documentation	None
10/16/04	"	"	Demerol 25 mg removed at 23:48	Administration of Demerol 25 mg documented at 22:30	Administration of Demerol 25 mg documented at 22:30	None
10/17/04	457228	Demerol 50 mg IM	Removed at 16:10 and at 16:12 with all entries marked "cancelled"	Administration of Demerol 50 mg documented at 16:15	Medication name and dose not documented at 15:50	None
10/20/04	431116	Toradol 30 mg IV	Demerol 50 mg removed at 17:55	Administration of Toradol 30mg documented at 16:00	Patient discharged from facility at 17:50	None

Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

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8. On or about September 29, 2004, through October 20, 2004, while employed as Staff Nurse in the Emergency Department with Richardson Regional Hospital, Richardson, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients without valid physicians' orders, as follows:

Date	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes	Wastage
9/29/04	388028	None	Demerol 50 mg removed at 01:38	None	Patient discharged at 22:25	None
10/20/04	431116	Toradol 30 mg IV	Demerol 50 mg removed at 17:55	Administration of Toradol 30 mg documented at 16:00	Patient discharged at 17:50	None

Respondent's conduct was likely to injure the patient in that administration of Demerol without a physician's order could result in the patient experiencing adverse reactions to the medication including respiratory depression.

9. On or about October 5, 2004 through October 16, 2004, while employed as a Staff Nurse in the Emergency Department with Richardson Regional Hospital, Richardson, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients, but failed to properly waste any unused portions of the medication, as follows:

Date	Patient	Physican's Orders	Pyxis Records	Medication Administration Record	Nurses Notes	Wastage
10/5/04	252822	Demerol 12.5 mg IV	Demerol 25 mg removed at 23:41	Administration of Demerol 12.5 mg documented at 23:15.	Administration of Demerol 12.5 mg documented	Wastage of Demerol 12.5 mg not documented
10/16/04	390440	Demerol 25 mg IV	Demerol 50 mg removed at 19:20.	Administration of Demerol 25 mg documented at 19:35.	No Documentation	Wastage of Demerol 25 mg not documented

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent acknowledges that there may be some merit to the allegations due to factors beyond her control. Respondent explains that charts are often misplaced or in the hands of someone else, making it difficult, if not impossible for Respondent to sign off on orders or

document the prescribed medications at the time administered. Respondent goes on to explain that two (2) nurses are required to properly follow procedure for wastage of narcotics."Thus it is possible the failure to properly document wastage was due to the inability of another nurse to verify wastage because of the shortage of nurses on duty at the time in question." Respondent contends that the medication room was too small. "When entering said room, the person in the process of removing medication from the Pyxis is required to move in order to allow the individual to enter the room."

11. Charges were filed on August 12, 2005.
12. Charges were mailed to Respondent on August 17, 2005.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(C)&(1)(D) [effective September 28, 2004], 217.12(4) and 217.12(1)(B)&(10)(C)[effective September 28, 2004].
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 668008, heretofore issued to TILLIE M. SMITH, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to TILLIE M. SMITH, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order. for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. *Courses focusing on malpractice issues will not be accepted.* RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any

continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the

Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(7) RESPONDENT SHALL be supervised by a Registered 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 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.

(8) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or**

longer, the Board may require and **RESPONDENT SHALL** submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) **RESPONDENT SHALL** submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the **RESPONDENT's** place of employment at any time during the stipulation period and require **RESPONDENT** to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. **RESPONDENT SHALL** be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further

disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

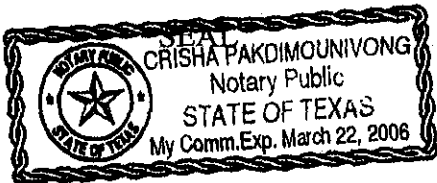
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of MARCH, 2006.

Tillie M. Smith

TILLIE M. SMITH, Respondent

Sworn to and subscribed before me this 9th day of MARCH, 2006.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Rachel Sheeran
Rachel Sheeran, Attorney for Respondent

Signed this 9th day of March, 2006.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 9th day of March, 2006, by TILLIE M. SMITH, Registered Nurse License Number 668008, and said Order is final.

Effective this 20th day of April, 2006.



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