TEXAS BOARD OF NURSING
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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Family Nurse Practitioner	§	AGREED
& Registered Nurse License Number 502570	§	
issued to KARI LEE MILEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KARI LEE MILEY, Family Nurse Practitioner and Registered Nurse License Number 502570, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 19, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Idaho State University, Pocatello, Idaho, on May 14, 1982; and received a Certificate from the Family Nurse Practitioner Program at Texas Woman's University, Denton, Texas, on December 5, 2003. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982; became Board recognized as a Family Nurse Practitioner (FNP) in the State of Texas on February 12, 2004; and became Board recognized as a FNP with Prescriptive Authority on January 24, 2008.

5. Respondent's nursing employment history includes:

5/82 - 8/82	Unknown	
9/82 - 2001	Staff Nurse	Medical City Hospital Dallas, Texas
2001 - 2003	Staff Nurse	Denton Regional Medical Center Denton Texas
12/03 - 4/08	FNP	Melvin Harris, M.D. Dallas, Texas
5/08 - Present	FNP	Shepherd Healthcare Lewisville, Texas

6. On March 23, 2010, Respondent's license to practice professional nursing in the State of Texas was issued a Reprimand With Stipulations through an Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, Respondent's Statement of Agreement, and Order dated March 23, 2010, is attached and incorporated herein by reference.

7. At the time of the initial incident Finding of Fact Number Eight (8), Respondent was employed as a Family Nurse Practitioner (FNP) with Shepherd Healthcare, Lewisville, Texas, and had been in this position for one (1) year.

8. On or about July 1, 2009 through June 8, 2010, Respondent continued to practice as a Family Nurse Practitioner, which included prescribing Controlled Substances for patients, without maintaining authorization to prescribe Controlled Substances from the Texas Department of Public Safety, as required under TEX. ADMIN. CODE §222.6. Respondent's conduct was likely to deceive her employer, pharmacies, patients and the public into believing that her nursing was in compliance with all Board Rules and Regulations and was a violation of Chapter 481, Health and Safety Code (Texas Controlled Substances Act)..

9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that in May 2010, she discovered that her Texas Department of Public Safety Certificate/Registration Number had expired on June 30, 2009. Respondent asserts that she immediately applied for and received a new certificate/registration number on June 9, 2010.

10. On or about May 6, 2010, Respondent provided information which was false and misleading to the Texas Board of Nursing in that she answered "no" to the following question when renewing her nursing license:

"Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

Respondent failed to disclose that on March 23, 2010, her license to practice advanced practice nursing in the State of Texas was issued a Reprimand With Stipulations.

11. In response to the incident in Finding of Fact Number Ten (10), Respondent asserts that she accidently marked the incorrect box on the application form when she was renewing her RN license because she did not read the entire paragraph.

12. On or about March 25, 2011, Respondent failed to comply with the Agreed order issued to her on March 23, 2010, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to complete an advanced practice physical assessment course with a clinical component. Stipulation number three (3) of the Agreed Order dated March 23, 2010, states, in part:

"RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete an academic course in advanced practice physical assessment with a minimum passing grade of not less than "C" or "Pass" if using a "Pass/Fail" grading system."

Instead, Respondent successfully completed a physical assessment course used by registered nurses.

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 violations of Section 301.452(b)(1),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(4) and 217.12(1)(A),(1)(H),(1)(I)&(11)(B) and 222.6(a)&(c).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Family Nurse Practitioner and Registered Nurse License Number 502570, heretofore issued to KARI LEE MILEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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. In order

to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete an academic course in advanced practice physical assessment with a minimum passing grade of not less than "C" or "Pass" if using a "Pass/Fail" grading system. The academic course SHALL BE for at least three (3) semester credit hours, including not less than one (1) semester credit hour, or three (3) clock hours per week, of clinical practicum. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Instruction SHALL BE provided by an Advanced Practice Registered Nurse. RESPONDENT SHALL perform physical assessments on live patients in the clinical practicum component; performing assessments on mock patients or mannequins WILL NOT be accepted. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, available from the Board's website at http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf, 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 and in addition to any continuing education requirements the Board has for relicensure.

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of July, 2012.

Karlee Miley

KARI LEE MILEY, Respondent

Sworn to and subscribed before me this 10th day of July, 2012.

SEAL

Faisal Hussain

Notary Public in and for the State of Texas

FAISAL HUSSAIN
My Commission Expires
March 8, 2016

Approved as to form and substance.

Shezad Malik, M.D., J.D., Attorney for Respondent

Signed this 11 day of JULY, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of June, 2012, by KARI LEE MILEY, Family Nurse Practitioner and Registered Nurse License Number 502570, and said Order is final.

Effective this 14th day of August, 2012.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 502570	§	
issued to KARI LEE MILEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KARI LEE MILEY, Registered Nurse License Number 502570, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 2, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Idaho State University, Pocatello, Idaho, on May 14, 1982; and received a Certificate form the Family Nurse Practitioner Program at Texas Woman's University, Denton, Texas, on December 5, 2003. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982, and became Board recognized as a Family Nurse Practitioner in the State of Texas on February 12, 2004.

5. Respondent's complete professional nursing employment history is unknown.

6. On or about May 26, 2006, while employed as a Family Nurse Practitioner with Physician Geriatric Associates, Dallas, Texas, Respondent failed to adequately and completely assess Resident M.P., a ninety-four (94) year old female with a history of Anemia, Anorexia, Coronary Artery Disease, Congestive Heart Failure and Hypertension, living in a long term care facility. On April 28, 2006, Respondent assessed the resident and added Renal Insufficiency and Hyponatremia to the previous diagnoses. On May 26, 2006, at the family's request, Respondent was asked to assess the resident again because of a change in her mental status and the resident's poor appetite. Respondent documented that the resident had "poor skin turgor and poor appetite," but failed to order appropriate laboratory tests, such as serum kidney function and electrolytes, which may have been beneficial in diagnosing the progression of the renal insufficiency and her altered mental status, and indicated that the resident was appropriate for hospice. On May 30, 2006, Resident M.P. was transferred to Presbyterian Hospital of Denton, Denton, Texas, because of progressive weakness and altered mental status. Her appearance was described as "extremely emaciated" by the emergency room physician and "severe dehydration with hypernatremia and acute renal insufficiency'" were listed as her admitting diagnoses. The resident's condition continued to deteriorate over the next twenty-four (24) hours and she subsequently expired on May 31, 2006. Respondent's conduct may have contributed to the resident's demise.

7. In response to the incident in Finding of Fact Number Six (6), Respondent denies the allegations and asserts that she was not notified of the resident's continued decline after the last visit on May 26, 2006.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M)&(4) and 217.12(1)(A),(1)(B)&(4).

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 502570, heretofore issued to KARI LEE MILEY, 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 Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 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 Texas Board of Nursing 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 KARI LEE MILEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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) 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. 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete an academic course in advanced practice physical assessment with a minimum passing grade of not less than "C" or "Pass" if using a "Pass/Fail" grading system. The academic course SHALL BE for at least three (3) semester credit hours, including not less than one (1) semester credit hour, or three (3) clock hours per week, of clinical practicum. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Instruction SHALL BE provided by an Advanced Practice Registered Nurse. RESPONDENT SHALL perform physical assessments on live patients in the clinical practicum component; performing assessments on mock patients or mannequins WILL NOT be accepted. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a

Verification of Course Completion form, available from the Board's website at http://www.bon.state.tx.us/i17.pdf, 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 and in addition to any continuing education requirements the Board has for relicensure.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Dehydration and Weight Loss," a 5.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website: http://www.dads.state.tx.us/providers/training/jointtraining.cfm or by contacting (512) 438-2201.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WITH ADVANCED PRACTICE AUTHORIZATION WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in 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 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 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 nurse.

(7) Should RESPONDENT choose to work as a FNP, RESPONDENT'S practice of professional nursing will be monitored for one (1) year by a Physician or Family Nurse Practitioner who has been approved by the Board. RESPONDENT must provide a list of three (3) Physicians and/or three (3) Family Nurse Practitioners from which the Board shall select. For the Physician and/or Pediatric Nurse Practitioner, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth

in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the two (2) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(9) 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 Physician or Family Nurse Practitioner 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) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice 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 waive representation by counsel. 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 15th day of February, 2010.

KARI LEE MILEY, Respondent

Sworn to and subscribed before me this 15th day of February, 2010.

SEAL
KRISTIN MELTON
Notary Public, State of Texas
My Comm. Expires April 27, 2011

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 15th day of February 2010, by KARI LEE MILEY, Registered Nurse License Number 502570, and said Order is final.

Effective this 23rd day of March, 2010.

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