

BEFORE THE 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.  
*Katherine A. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse           §       AGREED  
License Number 725244                       §  
and Vocational Nurse                       §  
License Number 160262                       §  
issued to KATHRYN L. STONE               §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KATHRYN L. STONE, Registered Nurse License Number 725244 and Vocational Nurse License Number 160262, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 17, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Indiana Vocational Technical College, Sellersburg, Indiana, in August 1988 and received an Associate Degree in Nursing from Excelsior College, Albany, New York, on December 1, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1996, and was licensed to practice professional nursing in the State of Texas on February 21, 2006.

5. Respondent's nursing employment history includes:

1996-1998	LVN	National Care Resources Houston, Texas
1/1998-3/2000	LVN	Tomball Regional Hospital Tomball, Texas
3/2000-7/2002	LVN	North Houston Gastroenterology Houston, Texas
8/2002-4/2007	Unknown	
5/2007-5/2009	RN	Huntsville Memorial Hospital Home Care Huntsville, Texas
6/2009-present		Unknown

6. At the time of the incident, Respondent was employed as a RN with Huntsville Memorial Hospital Home Care, Huntsville, Texas, and had been in this position for one (1) year and eleven (11) months.
7. On or about April 23, 2009, while employed with Huntsville Memorial Hospital Home Care, Huntsville, Texas, and assigned to administer medications to Patient JH, Respondent failed to perform the "five rights of medication administration." Respondent went to the patient's home to administer Remicade, a medication that is available in lyophilized powder form to be reconstituted in normal saline for intravenous administration, but failed to mix the prescribed medication with the normal saline and so administered only normal saline to the patient. When the patient contacted his physician with concerns, because he felt the medication wasn't working as it should, it was discovered that Respondent had failed to administer the medication as ordered. Respondent's conduct exposed the patient unnecessarily to risk of harm from ineffective treatment which could result in a delay in the patient's recovery.
8. In response to the Findings of Fact Number Seven (7), Respondent states that she arrived at the patient's home and the supplies were on the table, having been delivered earlier by the pharmacy. Respondent states there were no vials of Remicade with the supplies and so she read the label on the IV solution bag and assumed the medication was in the solution, stating "Frankly, I had no reason to believe the labeling on the bag was inaccurate, so I saw no need to clarify the treatment regimen." Respondent states she primed the IV line in preparation of starting the infusion and then she attempted to start the peripheral IV but was unable to after two attempts and so she called the Home Health office and requested assistance. Respondent states that another RN arrived at the patient's home about 30 minutes later and that she was successful in starting the IV. Respondent states once the IV was established the other nurse attached the IV infusion to the patient and departed. Respondent states that she remained in

the patient's home while the medication infused over 3 hours. Respondent states that because she was not the nurse who actually attached the IV solution to the patient to start infusion she was not responsible for not administering the medication. Respondent states she feels that the other nurse should be responsible for the failure to administer the Remicade, not her, because the other inserted the peripheral IV and hooked the solution bag to the patient's IV access. Respondent states that her failure to specifically document that the other RN was the one who administered the medication and that Respondent was the RN that monitored its' administration, this should be deemed a "minor incident" as defined by the Nursing Practice Act.

#### 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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(C),(1)(D)&(3)(A) and 217.12(1)(A)&(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 725244 and Vocational Nurse License Number 160262, heretofore issued to KATHRYN L. STONE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 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, 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 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) 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>*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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, 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 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. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

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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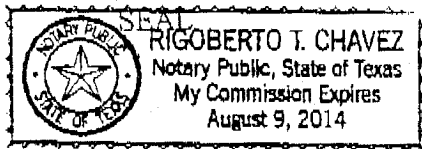
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RESPONDENT'S CERTIFICATION

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 when this Order becomes final and the terms of this Order become effective, 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 9<sup>th</sup> day of May, 20 11.  
Kathryn L. Stone  
KATHRYN L. STONE, Respondent

Sworn to and subscribed before me this 9<sup>th</sup> day of May, 20 11.



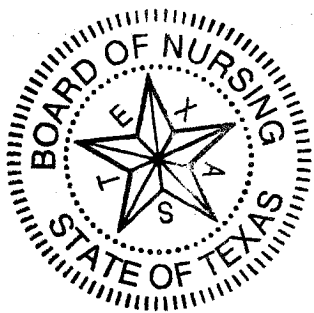
[Signature]  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
Tony R. Bertolino, Attorney for Respondent  
Jason Partney

Signed this 11 day of May, 20 11.

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 9<sup>th</sup> day of May, 2011, by KATHRYN L. STONE, Registered Nurse License Number 725244 and Vocational Nurse License Number 160262, and said Order is final.



Effective this 11<sup>th</sup> day of May, 2011.

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