



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.  
*Patricia Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §        AGREED  
License Number 638572                       §  
issued to EDWARD HACKETT               §        ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that EDWARD HACKETT, Registered Nurse License Number 638572, hereinafter referred to as Respondent, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 12, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Bill Hopkins, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Tamara Cowen, MSN, RN, Board Member; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Amy Grissom, 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 San Antonio College, San Antonio, Texas, on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on March 4, 1997.

5. Respondent's nursing employment history includes:

4/1997-12/1997	Unknown	
1/1998-Present	RN	Memorial Medical Nursing Center San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as an Registered Nurse with Memorial Medical Nursing Center, San Antonio, Texas, and had been in this position for eight (8) years and two (2) months.
7. On or about March 26, 2006, while employed as a Registered Nurse with Memorial Medical Nursing Center, San Antonio, Texas, Respondent failed to perform mouth-to-mouth rescue breathing on Patient Medical Record Number 99290, who had a full code status, as part of the emergency interventions provided when the resident was found unresponsive, profusely bleeding from his femoral dialysis shunt site, and having low raspy breathing. Respondent arrived in response to a request for assistance by an LVN who, upon Respondent's arrival, quickly transferred the resident to the floor so that effective chest compressions could be provided, and elevated the resident's lower extremities. Respondent began to set up ventilation equipment, but EMS arrived before the Ambu bag could be used to ventilate the resident. Ten (10) minutes after EMS arrived, they determined that further attempts at resuscitation would be futile. Respondent's conduct may have unnecessarily delayed interventions needed to properly provide oxygen to the resident.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent says he was paged overhead STAT to the NW Unit and he responded immediately. He found the patient lying in his bed in a pool of blood with his eyes open and not moving. Respondent states there were no respirations or pulse. Respondent checked the femoral shunt, found no trill present, and found the dressing partially intact. He states he and a LVN lowered the resident to the floor and he told the LVN to start CPR. He says he left the room and told a Medication Aid to call an overhead code after she called 911. He then sent a CNA to get the crash cart and sent other CNA's to the various building entrances to help direct the EMS team. He returned to the patient's room and started to assemble the Ambu bag, found it was missing pieces to hook it to the oxygen tank, left to find these and once he had it assembled, began to give rescue breaths with the Ambu bag. He states when he returned to the room with the Ambu bag, two LVNs were on the floor with the resident, and he believed that they were performing 2-man CPR.
9. Charges were filed on October 13, 2009.
10. Charges were mailed to Respondent on October 15, 2009.

## 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)(M) 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 638572, heretofore issued to EDWARD HACKETT, 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 REMEDIAL EDUCATION, 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 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, 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 sixty (60) days of entry of this Order, successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor prior to enrollment. 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 course shall be a minimum of eight (8)

contact hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2- Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, <http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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.

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.

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 Agreed Order. I have reviewed this Order. I neither admit nor deny the violation 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5<sup>th</sup> day of April, 2010.

Edward Hackett

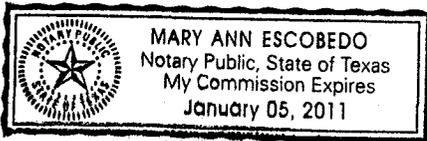
EDWARD HACKETT, RESPONDENT

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 2010.

SEAL

Mary Ann Escobedo

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Bill Hopkins

Bill Hopkins, Attorney for Respondent

Signed this 12<sup>th</sup> day of April, 2010.

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 5<sup>th</sup> day of April, 2010, by EDWARD HACKETT, Registered Nurse License Number 638572, and said Order is final.

Effective this 16<sup>th</sup> day of April, 2010.

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

