



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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §        AGREED  
License Number 739754                       §  
issued to KRISTIN FAIRBANKS               §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KRISTIN FAIRBANKS, Registered Nurse License Number 739754, 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 November 23, 2009, 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 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 an Associate Degree in Nursing from Tulsa Community College, Tulsa, Oklahoma, on May 6, 2005. Respondent was licensed to practice professional nursing in the State of Texas on March 29, 2007.
5. Respondent's professional nursing employment history includes:

5/2005-2/2007	Staff Nurse	Oklahoma State University Medical Center
	Intensive Care	Tulsa, Oklahoma

Respondent's professional nursing employment history continued:

2/2007-8/2007	Travel Nurse	Cross Country Travcorps Boca Raton, Florida, assigned to Methodist Specialty and Transplant San Antonio, Texas
9/2007-12/2007	Travel Nurse	Cross Country Travcorps Boca Raton, Florida, assigned to Seton Medical Center Austin, Texas
1/2008-5/2008	Staff Nurse Labor/Delivery	Seton Medical Center Austin, Texas
5/2008-Present	Staff Nurse Mother/Baby	Seton Medical Center Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Seton Medical Center, Austin, Texas, and had been in this position for four (4) months.
7. On or about May 9, 2008, while employed as a Staff Nurse with Seton Medical Center, Austin, Texas, Respondent failed to adequately monitor and timely intervene while Patient Number 5103041 was in active labor. Respondent failed to correctly utilize the "Watchchild" system to monitor Patient Number 5103041 and so missed decelerations in the fetal heart monitor which indicated the baby was in distress. Consequently, this baby was delivered code blue, via emergency Cesarian Section (C-Section), and required transfer to the Neonatal Intensive Care Unit. Respondent's conduct may have injured the patient in that it delayed interventions that may have prevented the need for an emergency surgery and unnecessarily exposed the baby to the risk of anoxic brain injury and/or neurologic deficits.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she was on her third night off orientation in labor and delivery and was assigned one patient in active labor and an admission of a second active labor patient. She admits that while she completed the admission of the second patient she did not monitor the first patient. She states that as soon as she was finished with the admission, she checked on the first patient and discovered the patient was having decelerations. She states she went immediately to the patient's room and tried to find Fetal Heart Tones (FHT). When she could not find any, she called for assistance. Subsequently the baby was delivered via emergency C-Section. She states it was later discovered that she should have been assigned a Resource Nurse at the start of her shift, but neither she nor the Resource Nurse were aware of the assignment. She also relates she feels she should have questioned her assignment that shift but because of her inexperience she did not. Respondent expresses deep sadness for what happened and will never forget this incident.
9. Charges were filed on July 6, 2009.
10. Charges were mailed to Respondent on July 7, 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 is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B),(1)(M)&(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 739754, heretofore issued to KRISTIN FAIRBANKS, 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 WARNING 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, 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 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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

**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 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 THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) 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.

(4) 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.

(5) 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.

(6) 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 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) month period for one (1) year 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 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 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.

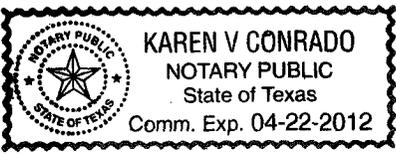
Signed this 29<sup>th</sup> day of December, 2009.

Kristin Fairbanks  
KRISTIN FAIRBANKS, Respondent

Sworn to and subscribed before me this 29<sup>th</sup> day of December, 2009.

Karen V. Conrado  
Notary Public in and for the State of Texas

SEAL



Approved as to form and substance.

Taralynn R. Mackay  
Taralynn Mackay, Attorney for Respondent

Signed this 8<sup>th</sup> day of December, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29<sup>th</sup> day of December, 2009, by KRISTIN FAIRBANKS, Registered Nurse License Number 739754, and said Order is final.

Effective this 9<sup>th</sup> day of February, 2010.



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