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Denise Benbow
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 563424 §
issued to SALLY V. LITTLETON § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that SALLY V. LITTLETON, Registered Nurse License Number 563424, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on July 14, 2009, 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 Louis Leichter, Attorney at Law. In attendance were Denise Benbow, MSN, RN, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Veronica Franco, Investigator; and Dan Lype, Attorney at Law, Leichter Law Firm.

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 a Baccalaureate Degree in Nursing from University of Texas Health Science Center, Houston, Texas, on May 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's complete professional nursing employment history includes:

1990 - 2000	RN	Methodist Hospital Houston, Texas
1999 - 2002	RN	Caring Professionals Nursing Agency Houston, Texas
2002 - 2004	RN	Doctors Hospital Parkway Houston, Texas
2004 - 2006	RN	Oak Bend Medical Center Richmond, Texas
2006 - 2009	RN	Tex Med Staffing Houston, Texas
2009 - Present	RN Case Manager	United Healthgroup Minnetonka, MN

6. On or about June 27, 2007, while employed as a Registered Nurse with Lyndon B. Johnson General Hospital, Houston, Texas, Respondent withdrew Diazepam 10mg and Meperidine 75mg from the Medication Dispensing System (Pyxis) for Patient Medical Record Number 305719597174 without valid physician's orders. Respondent's conduct was likely to injure the patient in that the administration of Diazepam and Meperidine without a valid physician's order could result in the patient suffering from adverse reactions.

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7. On or about June 27, 2007, July 6, 2007, and July 16, 2007, while employed as a Registered Nurse with Lyndon B. Johnson General Hospital, Houston, Texas, Respondent withdrew Fentanyl 100mcg and Versed 2mg from the Medication Dispensing System (Pyxis) for Patient Medical Record Numbers 305719597174, 461626417183, and 502859287192 in excess frequency/dosage of the physicians' orders, as follows:

Date	MR#	Physician's Order	Medication Dispensing System Record (Pyxis) Time and Quantity
06/27/07	305719597174	Fentanyl 225mcg IVP	16:17 Fentanyl 100mcg/2ml ampule (4)
07/06/07	461626417183	Fentanyl 100 mcg IVP	12:31 Fentanyl 100mcg/2ml ampule (2)
07/16/07	502859287192	Midazolam (Versed) 2mg IVP	11:32 Midazolam 2mg/2ml vial (2)

Respondent's conduct was likely to injure the patient in that the administration of Fentanyl and Versed in excess frequency and/or dosage of the physicians' order could result in the patient suffering from adverse reactions.

8. In response to Finding of Fact Number Seven (7), Respondent explained that signing out narcotics in excess frequency and/or dosage, and withholding the administration of the narcotic until needed, was common practice in her unit due to the urgency of having patients completely sedated during the procedures.
9. On or about June 25, 2007, June 27, 2007, and July 6, 2007, while employed as a Registered Nurse with Lyndon B. Johnson General Hospital, Houston, Texas, Respondent withdrew Fentanyl 100mcg/2ml ampule, Midazolam HCL 2mg/2ml vial and Meperidine HCL 50mg/1ml syringe from the Medication Dispensing System (Pyxis) for Patient Medical Record Numbers 456311257086, 460324117065, 305719597174, and 153387337182, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or Nurse's Notes, as follows:

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Harris County Hospital District Intra Procedure Form	Nurses Notes
06/25/07	456311257086	Fentanyl 100mcg IVP	11:17 Fentanyl 100mcg/2ml ampule (2) 11:45 Returned Fentanyl 100mcg/2ml ampule (2)	11:23 Fentanyl 50mcg IVP given 11:25 Fentanyl 50mcg IVP given	11:23 Sedation given
06/25/07	460324117065	Fentanyl 100mcg IVP	08:59 Fentanyl 100mcg/2ml ampule (2) Cancel Removal	09:45 Fentanyl 50mcg IVP given 09:50 Fentanyl 50mcg IVP given	09:45 Sedation medication given
06/27/07	305719597174	Midazolam (Versed) 9mg IVP	15:30 Midazolam HCL 2mg/2ml vial (4) 17:38 Wasted Midazolam HCL 2mg/2ml vial (0.5)	16:20 Versed 2mg IVP given 16:20 Versed 2mg IVP given 16:25 Versed 2mg IVP given 16:30 Versed 2mg IVP given 16:35 Versed 1mg IVP given	16:20 sedation given 16:35 Pt difficult to sedate 16:50 continue to medicate

Date	MR#	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Quantity	Harris County Hospital District Intra Procedure Form	Nurses Notes
06/27/07	305719597174	Fentanyl 225mcg IVP	16:17 Fentanyl 100mcg/2ml ampule (4) 17:35 Returned Fentanyl 100mcg/2ml ampule (2)	16:20 Fentanyl 50mcg IVP given 16:20 Fentanyl 50mcg IVP given 16:25 Fentanyl 50mcg IVP given 16:30 Fentanyl 50mcg IVP given 16:35 Fentanyl 25mcg IVP given 16:40 Fentanyl 50mcg IVP given	16:20 sedation given 16:35 Pt difficult to sedate 16:50 continue to medicate
07/06/07	153387337182	Meperidine (Demerol) 125mg IVP	17:49 Meperidine HCL 50mg/1ml syringe (2) 18:50 Returned Meperidine HCL 50mg/1ml syringe (2)	15:45 Demerol 50mg IVP given 16:00 Demerol 25mg IVP given 16:30 Demerol 25mg IVP given 16:45 Demerol 25mg IVP given	15:45 Pt given sedation medication 16:30 Versed/Demerol given

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

10. On or about June 25, 2007 and July 10, 2007, while employed as a Registered Nurse with Lyndon B. Johnson General Hospital, Houston, Texas, Respondent withdrew Midazolam HCL 2mg/2ml vial and Fentanyl 100mcg /2ml ampule from the Medication Dispensing System (Pyxis) for Patient Medical Record Numbers 107636497176 and 315352557178, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. 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).
11. In response to Finding of Fact Number Ten (10), Respondent states: On July 10, 2007, where Fentanyl 100mg was taken and 25mg was given, there was an error in documentation.
12. Several reference letters from Respondent's colleagues and supervisors have been received by the Texas Board of Nursing for use in the investigation of this case. The letters include the following:

Vicki Edwards, Lyndon B. Johnson General Hospital, stated, "I have had the opportunity to know and work with Sally over a course of nine years at Lyndon B. Johnson General Hospital. Sally has been both a dutiful and reliable worker and one of her most valuable qualities is her vigilance as a nurse. She is very experienced and takes her job very seriously. . . . It is evident that she carries a high level of morals and ethics towards the integrity of her career, family, and friends. . . .Ms. Littleton has demonstrated herself to be a very honest and trustworthy colleague and friend."

Ukachi Fadaka, RN, MSN, LBJ Hospital, Houston, Texas, stated, ". . . During the years of our acquaintance, I have known Sally in many capabilities. She is organized, efficient, extremely competent, and very smart. I have had the opportunity to work with Sally in various hospitals. She is very hard working and very good in team leading. She has been one of my best preceptors during my orientation at LBJ Hospital."

Nnenna Jackson, Director, Trii-Star Medical Staffing, Houston, Texas, stated, "Mrs. Littleton was one of our outstanding employees. She was always on time for her shifts and very attentive and caring to her patients. Mrs. Littleton is hard worker and an excellent team player."

Schawnte Williams-Taylor, RN, BSN, CCRN, CPTC, Manager of Organ Recovery Services, LifeGift, Organ Donation Center, Houston, stated, "I have known Ms. Littleton professionally for over twenty years. Ms. Littleton has been professional and maintains high morals and ethical standards in her practice as a registered nurse. . . . Her work ethic speaks volumes to her credibility as a nurse using prudent judgment in the care provided to patients."

Barbara Elliott, RN, Houston, Texas, stated, "I have not only known Sallie for 10 years of our professional careers, I have also worked side by side in direct patient care with her. . . . I very candidly state that she has displayed professionalism that is expected of our role. I have witnessed her offer resistance to an assignment that might have very well compromised a client's safety in her judgment; moreover, she has also offered resistance in certain instances that would also compromise her prudence and licensure. . . . I honestly cannot recall, even after ten years, that I have suspected or known of any inappropriate professional action or misconduct on her behalf."

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, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C),(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(4),(10)(C)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 563424, heretofore issued to SALLY V. LITTLETON, 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 deliver the wallet-sized license issued to SALLY V. LITTLETON to the office of the Texas Board of Nursing within ten (10) days of 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 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>.

(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 at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) 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, 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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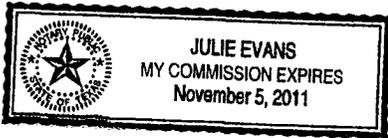
RESPONDENT'S CERTIFICATION

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 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of Aug, 2009
Sally V. Littleton
SALLY V. LITTLETON, RESPONDENT

Sworn to and subscribed before me this 3 day of Aug, 2009

SEAL



Julie Evans
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
Louis Leichter, Attorney for Respondent

Signed this 10 day of Aug, 2009

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 3rd day of August, 2009, by SALLY V. LITTLETON, Registered Nurse License Number 563424, and said Order is final.

Effective this 17th day of August, 2009.



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