





6/30/07	1249390	Phenergan 12.5mg IV (Promethazine HCL)	6/30/07 11:29 AM Promethazine HCL 25mg/1mL	1133-Phenergan 12.5mg IV push	None
6/30/07	1249390	Dilaudid 2mg IV (Hydromorphone)	6/30/07 11:29 AM Hydromorphone 4mg/1mL syringe	1135-Dilaudid 2mg IV push	None
6/30/07	1249393	Phenergan 25mg IV (Promethazine HCL)	6/30/07 12:12 PM Promethazine HCL 25mg/1mL	1223-Phenergan 12.5mg IV push	None
6/30/07	1249393	Dilaudid 2mg IV (Hydromorphone)	6/30/07 12:12PM Hydromorphone 4mg/1mL syringe	1220-Dilaudid 2mg IV push	None-[Gave remainder in subsequent dose]
6/30/07	1249393	Dilaudid 2mg IV (Hydromorphone) [new order in addition to previous dose]	Not Withdrawn [Used remaining 2 mg from previous dose]	1530-Dilaudid 2mg IV push	None-[Used remaining 2 mg from previous dose]
7/22/07	1253646	Lopressor 25mg PO (Metoprolol Tartrate)	7/22/07 6:06 PM Metoprolol Tartrate 50mg Tab	1810-Lopressor 25mg PO	None
7/22/07	1253646	Ativan 1mg IV (Lorazepam)	7/22/07 6:06 PM Lorazepam 2mg/1mL	1811-Ativan 1mg IV push	None
7/29/07	1254976	Solumedrol (Methylprednisolone Sodium) 125mg IM	7/29/07 12:02 PM Methylprednisolone Sodium 125 mg vial	Not Documented	None
7/29/07	1254976	Dilaudid (Hydromorphone) 1 mg IM	7/29/07 1:11 PM Hydromorphone 4mg/1mL syringe	1315-Dilaudid 1mg IM	7/29/07 5:29 PM 3mg wasted by RN S.C./witnessed by Respondent
7/29/07	1254989	Phenergan 12.5mg IV (Promethazine HCL)	7/29/07 3:18 PM Promethazine HCL 25mg/1mL	1525-Phenergan 12.5mg IV push	None
7/29/07	1254989	Morphine 4mg IVP	7/29/07 3:19 PM Morphine 10mg/1mL syringe	1527-Morphine 4mg IV push	7/29/07 5:29 PM 6mg wasted by RN S.C./witnessed by Respondent.

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).

8. On or about June and July 2007, while employed as a Registered Nurse with Baylor Medical Center, Waxahachie, Texas, Respondent misappropriated medications from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about June 16, 2007, while employed as a Registered Nurse with Baylor Medical Center, Waxahachie, Texas, Respondent falsely documented the administration of, and failed to administer, Protonix and Phenergan to Patient 1246678, as ordered by the physician, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Nursing Notes
39249	1246678	Protonix 40mg IV	Not Withdrawn	1215-Protonix 40mg IV	Not Documented
39249	1246678	Phenergan 12.5mg IV	Not Withdrawn	1210-Phenergan 12.5mg IV push	Not Documented

Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment, and subsequent care givers would rely on her documentation to further medicate the patient.

10. On or about June 24, 2007, June 30, 2007, and July 29, 2007, while employed as a Registered Nurse with Baylor Medical Center, Waxahachie, Texas, Respondent failed to administer medications as ordered by physicians, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record
39256	1248133	Phenergan 25mg IV (Promethazine HCL)	6/24/07 12:31 PM Promethazine HCL 25mg/1mL	1237-Phenergan 12.5mg IV push
39262	1249393	Phenergan 25mg IV (Promethazine HCL)	6/30/07 12:12 PM Promethazine HCL 25mg/1mL	1223-Phenergan 12.5mg IV push
39291	1254976	Solumedrol 125mg IM (Methylprednisolone Sodium)	7/29/07 12:02 PM Methylprednisolone Sodium 125mg vial	Not Documented

Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

11. On or about July 29, 2007, while employed as a Registered Nurse with Baylor Medical Center, Waxahachie, Texas, Respondent withdrew Methylprednisolone Sodium (Solumedrol) from the medication dispensing system (Omniceil) for Patient 1254976, but failed to document, or accurately document the administration of the medications in the patient's Medication Administration Records (MAR) and/or Nursing Notes. Respondent's conduct above 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.
12. In Response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent denies that she withdrew medications and failed to accurately and completely document the administration of the medication in the patient's record. Respondent admits that on several occasions she withdrew medications from the medication dispensing system, but failed to follow the policy and procedure for wastage of the medications. Furthermore, she states that she had, on occasion, forgotten to waste a medication and accidentally taken it home in her pocket. She always put these vials in a compartment of a rolled top desk in her home instead of returning them to work or destroying them.
13. On October 23, 2008, Respondent submitted to evaluation by John Lehman, PhD, Clinical Psychologist, Richardson, Texas. Dr. Lehman concluded that Respondent does not appear to have a chemical dependency problem. He believes the most reasonable conclusion is that this situation was caused by poor nursing practice and failure to follow procedures. He recommends either remedial education or supervision of her practice.

#### 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),(B),(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(6)(A),(G)&(H),(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 Registered Nurse License Number 662384, heretofore issued to ASHLEY LEANN SMITH, 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 professional 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 ASHLEY LEANN SMITH, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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.

(3) 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) contact 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>.

(4) 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>

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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:**

(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) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) 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 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 29 day of January, 2009.  
Ashley Leann Smith  
ASHLEY LEANN SMITH, Respondent

Sworn to and subscribed before me this 29 day of January, 2009.

SEAL



Belia Maxwell  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
PATRICIA T. DRISCOLL, Attorney for Respondent

Signed this 27<sup>th</sup> day of Feb, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of January, 2009, by ASHLEY LEANN SMITH, Registered Nurse License Number 662384, and said Order is final.

Effective this 23rd day of April, 2009.



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

