



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 647550 and §
Vocational Nurse §
License Number 157938 §
issued to MIKI DAVIS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MIKI DAVIS, Registered Nurse License Number 647550 and Vocational Nurse License Number 157938, 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 conference, notice and hearing, and agreed to the entry of this Order offered on October 14, 2008, 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 conference, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Frank Phillips College, Borger, Texas, on May 16, 1996, and received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas on December 1, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on July 8, 1996, and was licensed to practice professional nursing in the State of Texas on January 27, 1998.

5. Respondent's nursing employment history includes:

1996 - 1997	LVN Home Health Nurse Shepard's Crook Home Health Care Pampa, Texas
1997 - 1999	LVN, RN Charge Nurse Coronado Hospital Pampa, Texas
1999 - 2001	RN and Office Manager Nigel DaSilva, DO Pampa, Texas
2001 - 2002	Charge Nurse Baptist Saint Anthony's Hospital Amarillo, Texas
2002 - 2007	Charge Nurse Pampa Regional Medical Center Pampa, Texas
2007 - Current	Assistant Director of Nursing East Texas Medical Center Jacksonville Jacksonville, Texas

6. At the time of the initial incident, Respondent was employed as an Assistant Director of Nursing with East Texas Medical Center Jacksonville, Jacksonville, Texas, and had been in this position for five (5) months.
7. On or about December 15, 2007, while employed with East Texas Medical Center Jacksonville, Jacksonville, Texas, as the Assistant Director of Nursing, Respondent was called in to provide staff nurse coverage for the labor and delivery unit, a unit she had worked in prior to becoming the Assistant Director of Nursing. For a time during this shift, Respondent was caring for Patient Number 13907746, who was in active labor, and for three (3) other mother/baby couplets. Respondent failed to detect subtle changes in the fetal heart monitor of Patient Number 13907746 and the patient began showing ominous changes in the fetal heart monitor, at which time she notified the physician and aggressive interventions were initiated, including delivery of the baby by caesarian, at which time it was determined that the umbilical cord had wrapped around the baby's neck, chest, and extremities. The infant required resuscitation and transfer to a higher level of care. Respondent's conduct unnecessarily exposed the baby to the risk of anoxic brain injury and/or possible neurologic deficits.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was continually monitoring, assessing and providing interventions for the patient, and that she was staying in constant contact with the physician, who also reviewed the fetal heart monitoring strips and also missed the subtle changes, which were noted in retrospect after the outcome was known. Respondent further states that she asked for assistance for the unit from the Director of Nursing, which was provided for a while during the shift, but which was pulled once the Unit Manager came on duty. When Respondent realized the extra help had left the floor, she once again called and asked for help in the unit, and was told that a med-surg nurse would be there to assist but the nurse did not arrive until after change of shift. Respondent indicates that staffing and patient acuity factors may have contributed to her not detecting the subtle changes in the fetal heart monitoring.
9. On or about February 12, 2008, Respondent successfully completed a course in Advanced Fetal Heart Monitoring, which would have been a requirement of this Order.
10. On or about March 18, 2008, Respondent successfully completed an Advanced Course in Fetal Monitoring, which would have been a requirement of this Order.
11. On or about May 16, 2008, Respondent successfully completed the "S.T.A.B.L.E. Program," a six (6) module neonatal education program which focuses exclusively on the post-resuscitation and pre-transport stabilization care of sick infants.

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)(B),(1)(M)&(3)(A) and 217.12(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered License Number 647550 and Vocational Nurse License Number 157938, heretofore issued to MIKI DAVIS, including revocation of Respondent's licenses to practice nursing in the State of Texas.

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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, 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 privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to MIKI DAVIS, to the office of the Texas Board of Nursing within ten (10) days from 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) 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>.

(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://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

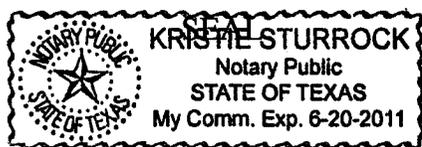
RESPONDENT'S CERTIFICATION

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

Signed this 4 day of December, 2008.

Miki Davis
MIKI DAVIS, Respondent

Sworn to and subscribed before me this 4th day of December, 2008.



Kristie Sturrock

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 2nd day of December, 2008.

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 4th day of December, 2008, MIKI DAVIS, Registered Nurse License 647550 and Vocational Nurse License Number 157938, and said Order is final.

Effective this 9th day of December, 2008.



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

