

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 571115  
issued to KAY LEIGH SCULLY

§ AGREED  
§ ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of KAY LEIGH SCULLY, Registered Nurse License Number 5711 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 24, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, 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.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, in May 1991, received a Baccalaureate Degree in Nursing from Texas Womans University, Denton, Texas, in 1998, and received a Masters in Nursing from The University of Texas, Arlington, Texas, in December 2000. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991. Respondent received authorization from the Board to practice as a Family Nurse Practitioners on January 22, 2001 and received prescription authorization on February 16, 2001.
5. Respondent's professional nursing employment history includes:

1991 - 06/90	Staff Nurse	JPS Health Network Fort Worth, Texas
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Respondent's professional nursing employment history continued:

06/94 - 05/01	Staff Nurse/PRN	Harris Methodist Southwest Hospital Fort Worth, Texas
01/01 - 06/01	Nurse Practitioner	Benbrook Family Pracice Fort Worth, Texas
04/01 - 05/07	Nurse Practitioner	Arlington Family Health Arlington, Texas
04/03 - 07/04	Nurse Practitioner	Tarrant County Geriatric Associates Fort Worth, Texas
03/04 - 12/04	Adjunct Professor	Tarrant County College District Fort Worth, Texas
06/07 - Present	Nurse Practitioner	JPS Health Network Fort Worth, Texas

6. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner with JPS Health Network, Fort Worth, Texas, and had been in this position for one (1) year.
7. During June 19, 2007 through June 3, 2008, while employed with JPS Health Network, Fort Worth, Texas, Respondent practiced as a Family Nurse Practitioner (FNP) without current national certification in the advanced role and specialty from a national certifying body recognized by the Board. Respondent's national certification expired on June 30, 2006. Respondent's conduct was likely to deceive the employer regarding Respondent's certification which was required for advanced practice and could have affected their decision to continue her employment.
8. On or about January 29, 2008, Respondent submitted an on-line license renewal to the Texas Board of Nursing and answered "Yes" to question number one (1) which reads as follows: "I acknowledge this electronic document is a legal document and I attest that I understand & meet all the requirements to practice for the type of the renewal requested, as listed in 22 Texas Administrative Code, §§ 216 (CE). Further, I understand that it is a violation of the 22 Texas Administrative Code, §§217.12(6)(I) and the Penal Code, sec. 37.10, to submit a false statement to a governmental agency. APNs must also meet all requirements listed in 221.8 (APN); and 222.3 (LPA)." Respondent failed to maintain a current national certification as required for maintaining advanced practice authorization in the State of Texas. Respondent's national certification expired on June 30, 2006. Respondent's conduct was likely to deceive the Board regarding Respondent's current certification and could have affected the decision to issue a current license.

9. Respondent states that on January 29, 2008 she renewed her license on-line and was not aware that her national certification had expired. In June 2008 she became aware that her certification had expired. She notified her employer and self-reported to the Board. Respondent regained her national certification on June 30, 2008. Respondent admits that she practiced as a FNP during the time her certification was expired. She began her employment at JPS Health Network in June 2007 and at that time she met all the requirements for hospital privileges. The facility did not notify her that she no longer met the requirements so she continued in her role as FNP.

#### 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) and 217.12(6)(H)(I) & (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 571115, heretofore issued to KAY LEIGH SCULLY, 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 A FINE, 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 the State of Texas.

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 State of Texas 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 KAY LEIGH SCULLY 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) 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 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 waive representation by counsel. 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 16<sup>th</sup> day of Jan, 2009.

Kayleigh Scully  
KAY LEIGH SCULLY, Respondent (Kayleigh King)

Sworn to and subscribed before me this 16<sup>th</sup> day of January, 2009.

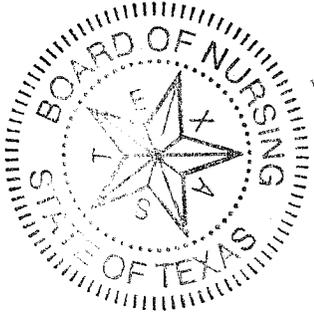
SEAL

Mary Nalley  
Notary Public in and for the State of Texas



Re: Kayleigh King  
previously Kayleigh Scully  
Lic # 571115

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 16<sup>th</sup> day of January, 2009, by KAY LEIGH SCULLY, Registered Nurse License Number 571115, and said Order is final.



Effective this 22<sup>nd</sup> day of January, 2009.

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