

Respondent's complete professional nursing employment history continued:

09/94-08/95	RN/ Travel Nurse	Hospital Staffing Services, Inc. Ft. Lauderdale, FL
08/95-08/03	RN	East Texas Medical Center Tyler, TX
09/03-10/04	RN	Captstone Personnel, Inc. Tyler, TX
10/04-03/05	Unknown	
04/05-09/05	Home Health RN	Trinity Home Health Services Tyler, TX
11/05-Unknown	Contract RN	Capstone Personnel, Inc Tyler, TX
07/06-10/06	RN	Rusk State Hospital Rusk, TX
11/06-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse I with Rusk State Hospital, Rusk, Texas, and had been in this position for three (3) months and fourteen (14) days.
7. On or about August 16, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent signed out two (2) Klonopin for a patient, but documented that only one (1) of the Klonopin was administered to the patient. 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.
8. On or about September 27, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent was counseled regarding her unprofessional behavior towards subordinate staff and peers due to incidents of yelling at staff and belittling staff in front of patients by asking the staff if they were stupid.

9. On or about October 4, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent failed to initiate initial nursing assessments or falls assessments for patients. Additionally, even though Respondent was fully trained, she reported that she did not know that she had to complete these assessments. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decision for further care.
10. On or about October 9, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent documented on Patient Number 168582's Medication Administration Record (MAR) that she had administered Klonopin to the patient; however, there was no Klonopin signed for on the patients' control sheets. Respondent's conduct was likely to injure the patients in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
11. On or about October 9, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent administered Ambien to Patient Number 170301 without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Ambien without a physician's order could have resulted in the patient suffering from adverse reactions.
12. On or about October 17, 2006, while employed as a Registered Nurse with Rusk State Hospital, Rusk, Texas, Respondent lacked fitness to practice professional nursing in that she was observed struggling to complete her thoughts and transition from one topic to another. Additionally, Respondent stated that on the night of her last four (4) medication errors she had a difficult time getting the medications pulled for administration, and Respondent was late getting the medications out. Respondent stated that the patients were very agitated with her, and they were calling her stupid, because she was not administering the correct medications to the patients. Nevertheless, Respondent proceeded with the medication pass, even though numerous discrepancies had been brought to her attention. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
13. In response to Findings of Fact Number Seven (7) Respondent states that she was still in the orientation phase of her training and that she was not responsible for, and did not do either the beginning or the on-hand count at the end of the shift. Respondent states that she can only assume that she made a math error and subtracted the "2" from the initial count of "6" to come up with the "4" entry made on this report, additionally, later in the same sheet, she made a proper entry.

14. In response to Findings of Fact Number Eight (8) Respondent states that the complaints in this area which were made against her generally amount to no more than overblown and exaggerated assertions. Additionally, Respondent states that these assertions are biased and petty and come from persons wanting and willing to shift all possible blame to others.
15. In response to Findings of Fact Number Nine (9) Respondent states that she rarely worked in this unit, and had little to no practical experience in admitting patients. She contests the blanket assertion that she was "fully trained" in so much as she was not fully trained in the sense that she did not have full knowledge of the paperwork. Additionally, Respondent states that she was not informed until after, that she was expected or required to complete a Fall Scale Report, and that it was not known until after the fact that this particular unit had special requirements which other units did not have.
16. In response to Findings of Facts Number Ten (10) and Eleven (11) Respondent states that the identity of patients have been purposefully deleted from the records provided because of privacy concerns, and this severely limits her ability to intelligently respond to this allegation.
17. In response to Finding of Fact Number Twelve (12) Respondent states that she disputes this allegation in its entirety.

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)(B),(C),(D),(G)&(H), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(C),(4),(5),(6)(A)&(10)(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 609605, heretofore issued to SARAH DIANE SMITH, including revocation of Respondent's license to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

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 SARAH DIANE 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, 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 a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall

include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>.

(5) 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 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:

(6) 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.

(7) 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.

(8) 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.

(9) 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 professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

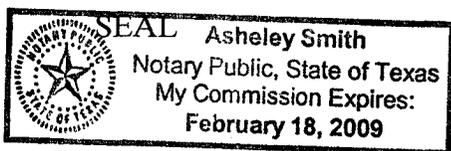
CONTINUED ON NEXT PAGE.

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 16 day of January 2009.
Sarah Diane Smith
SARAH DIANE SMITH, Respondent

Sworn to and subscribed before me this 16 day of January, 2009.



Asheley Smith
Notary Public in and for the State of Texas

Approved as to form and substance.

Robert C. Perkins
Robert C. Perkins, Attorney for Respondent

Signed this 16 day of JANUARY, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of January, 2009, by SARAH DIANE SMITH, Registered Nurse License Number 609605, and said Order is final.

Effective this 10th day of February, 20 09.


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

