BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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TEXAS BOARD OF NURSING
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.
Executive Director of the Board

In the Matter of Registered Nurse License Number 685443 § AGREED
issued to STEPHEN CHRISTOPHER SMITH § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that STEPHEN CHRISTOPHER SMITH hereinafter referred to as Respondent, Registered Nurse License Number 685443, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on April 24, 2007, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Louis Leichter, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Executive Director's Designee; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Susan Anderson, RN, Investigator, and Carolyn Schooley, RN, Investigator.

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 Texas Woman's University, Denton, Texas, on December 14, 2001. Respondent was licensed to practice professional nursing in the State of Texas on March 26, 2002.

5. Respondent's professional nursing employment history includes:

3/02 - 1/05	Staff Nurse Medical/Surgical	Parkland Health and Hospital System Dallas, Texas
2/05 - Present	Agency Nurse	Maxim Staffing Dallas, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse on the Medical/Surgical Unit with parkland Health and Hospital System, Dallas, Texas, and had been in this position for one (1) year.

7. On or about March 10, 2003, through March 11, 2003, while employed as a Staff Nurse on the Medical/Surgical Unit with Parkland Health and Hospital System, Dallas, Texas, Respondent failed to provide adequate care for Patient Medical Record Number 0358554 in that he:
   - Failed to assess and/or document the patient's vital signs every 2 hours, as ordered. The patient had just been admitted to the Medical/Surgical Unit from the Post Anesthesia Care Unit (PACU), following an eight hour surgery;
   - Failed to assess and/or document strict intake and hourly output, as ordered. Although the patient received a total intake of 8000 cc, it appears from the medical record that he had a urinary output of only 600 cc;
   - Failed to notify the physician of the patient's continued low blood pressure and low urinary output, as ordered; and

   Thirty (30) minutes after Respondent determined that the patient was lethargic and had weak pedal pulses, the patient's family notified Respondent that they were concerned that the patient was not snoring. Respondent found the patient cold to touch with no pulse, and called a code. The patient was pronounced deceased after an unsuccessful attempted resuscitation. Respondent's conduct resulted in an inaccurate, incomplete medical record, and may have contributed to the patient's demise.

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8. On or about January 16, 2005, through January 18, 2005, while employed as a Staff Nurse on the Medical/Surgical Unit with Parkland Health and Hospital System, Dallas, Texas, Respondent failed to obtain Capillary Blood Glucose readings for patients, as ordered, and instead, falsely documented Capillary Blood Glucose (CBG) readings in the medical records, as follows:

DATE/ TIME	PATIENT	PHYSICIAN'S ORDER	CBG Reading DOCUMENTED BY RESPONDENT	CBG Reading DOCUMENTED BY ACCUCHECK MACHINE
1/16/05 @ 1030	823349	Measure blood glucose levels every hour.	204	No report documented
1/16/05 @ 1330	"	"	168	"
1/16/05 @ 1630	"	"	158	"
1/18/05 @ 0330	568386	"	81	"

Respondent's conduct was deceptive, resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on his documentation in order to provide further patient care.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent denies the allegation in Finding of Fact Number Seven (7), stating that the patient refused to be transferred to the Intensive care Unit (ICU) following her surgery. In regards to the incident in Finding of Fact Number Eight (8), Respondent states that the three (3) values that were allegedly not recognized by the accudata came during times of the day when "prioritization is high," and that he remembers sticking the patient, the machine reading and the machine turning off at 168, but that he does not remember if he checked the memory to see if the machine registered the CBG. In regards to the second patient, Respondent states that he is open to the possibility that he incorrectly operated the accucheck machine.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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),(2),(4)&(18), 217.11(1)(A),(1)(C)&(1)(D)*[effect. 9/28/04]*, 217.12(1),(2)&(4) and 217.12(1)(B), (1)(C),(4)&(6)(A)*[effect. 9/28/04]*.

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 685443, heretofore issued to STEPHEN CHRISTOPHER 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 Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS AND A FINE, 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *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 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 STEPHEN

CHRISTOPHER SMITH, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the

same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(6) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars ($1000.00). RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(7) 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.

(8) 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.

(9) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly

assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency; **however, Respondent may work at Maxim Staffing only while on assignment at Baylor Specialty Hospital. Should Respondent's assignment at Baylor Specialty Hospital cease, Respondent must notify the Board immediately and Respondent shall comply with all requirements of this Order and 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.

(10) For the remainder of the stipulation period, 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; **however, Respondent may work at Maxim Staffing only while on assignment at Baylor Specialty Hospital. Should Respondent's assignment at Baylor Specialty Hospital cease, Respondent must notify the Board immediately and Respondent shall comply with all requirements of this Order and 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.

(11) 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) months for two (2) years of employment as a nurse.

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 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 06 day of August, 2007.

STEPHEN CHRISTOPHER SMITH, Respondent

Sworn to and subscribed before me this 06 day of August, 2007.

SEAL

URSULA T. BRENT
MY COMMISSION EXPIRES
July 25, 2010

Notary Public in and for the State of Texas

Approved as to form and substance.

Louis Leichter, Attorney for Respondent

Signed this 8 day of April, 2007

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 6th day of August, 2007, by STEPHEN CHRISTOPHER SMITH, Registered Nurse License Number 685443, and said Order is final.

Effective this 11th day of September, 2007.

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