



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License Number 570674 § AGREED  
issued to AMOS SMITH § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of AMOS SMITH, Registered Nurse License Num... 570674, 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 October 30, 2006, 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 Nassau Community College School of Nursing, Garden City, New York, on December 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on August 13, 1991.
5. Respondent's professional nursing employment history includes:

8/91 - 10/92	Staff Nurse Intensive Care Unit	St. Mary's Hospital Galveston, Texas
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Respondent's professional nursing employment history continued:

11/92 - 8/96	Staff Nurse Emergency Room	Veteran's Administration Hospital New Orleans, Louisiana
9/96 - 3/99	Agency Nurse	Stat Nursing Services Metairie, Louisiana
5/98 - 1/04	Agency Nurse	Star Healthcare Houston, Texas
4/99 - 7/99	Agency Nurse	AMED Staffing Houston, Texas
8/99 - 11/99	Agency Nurse	Advanced Temporaries Houston, Texas
12/99 - 5/00	Contract Nurse	Star Healthcare Pasadena, Texas
6/00 - 12/00	Contract Nurse Intensive Care Unit	AMED Staffing Houston, Texas
1/01 - 10/01	Contract Nurse Intensive Care Unit	Tender Loving Nursing Houston, Texas
11/01 - 12/01	Contract Nurse Intensive Care Unit	Quality Medstaffing McAllen, Texas
1/02 - 9/02	Contract Nurse Intensive Care Unit	ASAP Nursing Brownsville, Texas
10/02 - 2/04	Unknown	
3/04 - 1/05	Agency Nurse	Regent Nursing Service Haywood, California
9/04 - 1/05	Agency Nurse	Nurse PRN Oakland, California
2/05 - Present	Agency Nurse	ASAP Nursing McAllen, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as an Agency Nurse with ASAP Nursing, McAllen, Texas, was on assignment with McAllen Medical Center, McAllen, Texas, and had been in this position for one (1) month.
7. On or about March 22, 2005, while employed as an Agency Nurse with ASAP Nursing, McAllen, Texas, and on assignment in the Critical Care Unit of McAllen Medical Center, McAllen, Texas, Respondent failed to administer and/or document the administration of several 09:00 medications for Patient Medical Record Number 420231. Although the facility attempted to contact Respondent at the time to confirm the medications had indeed been administered, Respondent never returned the phone calls to the facility or to his agency. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient from non-efficacious care in that subsequent care givers would not have accurate and complete information on which to base their decisions for further care.
8. On or about March 27, 2005, while employed as an Agency Nurse with ASAP Nursing, McAllen, Texas, and on assignment in the Critical Care Unit of McAllen Medical Center, McAllen, Texas, Respondent failed to provide adequate care for Patient Medical Record Number 363550 in that he:
  - Discontinued an intravenous Nipride infusion on the patient with a cerebral hemorrhage instead of titrating the Nipride infusion down, as ordered by the physician. The intravenous Nipride infusion was not to be discontinued until the patient had started oral anti-hypertensives and the patient's blood pressure was stable; and
  - Failed to administer and/or document the administration of the oral anti-hypertensive medication when the patient had a systolic pressure over 220, as ordered by the physician. The patient's cerebral hemorrhage extended and the patient was made a Do Not Resuscitate (DNR).Respondent's conduct may have contributed to the patient being made a Do Not Resuscitate patient as a result of the patient's continued cerebral hemorrhage.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent denies the allegations adding that if there had been a problem he would not have been allowed to pick up his paycheck. Respondent explains that he had been in contact with the physician on March 27, 2005, regarding the patient's continued elevated blood pressure and that he followed the physician's orders for medication administration. Respondent, however, also stated that he may have failed to circle the medications that he did not administer but that information would be found in the Nurses Notes.

### 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),(1)(C)&(1)(D) and 217.12(1)(B)&(4).
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 570674, heretofore issued to AMOS 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 REMEDIAL EDUCATION, 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 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 AMOS AMITH to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification 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.

(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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).* 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](http://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](http://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](http://www.bne.state.tx.us) (under BNE events).*

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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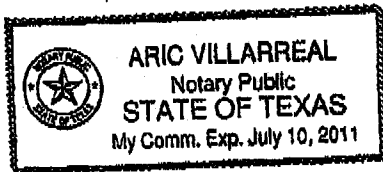
RESPONDENT'S CERTIFICATION

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 15 day of September, 2007.  
Amos Smith  
AMOS SMITH, Respondent

Sworn to and subscribed before me this 25 day of September, 2007.

SEAL




[Signature]  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 25th day of September, 2007, by AMOS SMITH, Registered Nurse License Number 570674, and said Order is final.

Effective this 25<sup>th</sup> day of September, 2007.

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