



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 810407 §
issued to MANDY LYNN GASTON § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MANDY LYNN GASTON, Registered Nurse License Number 810407, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on January 23, 2018, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from the University of Indianapolis, Indianapolis, Indiana, on May 3, 2008, and received a Baccalaureate Degree in Nursing from Western Governors University, Salt Lake City, Utah, in 2015. Respondent was licensed to practice professional nursing in the State of Indiana on June 9, 2008, and licensed to practice professional nursing in the State of Texas on November 15, 2011.
5. Respondent's nursing employment history includes:

6/2008 - 12/2011	Staff Nurse	St. Francis Hospital Indianapolis, Indiana
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Respondent's Nursing employment history continued:

1/2012 - 3/2012	Unknown	
4/2012 - 10/2015	Staff Nurse	Cook Children's Northeast Hospital Hurst, Texas
10/2015 - 12/2016	Staff Nurse	Bear Creek Surgery Center Keller, Texas
1/2017-Present	Staff Nurse	Medical City North Hills North Richland Hills, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Bear Creek Surgery Center, Keller, Texas, and had been in that position for nine (9) months.
7. On or about July 12, 2016, while employed as a Staff Nurse with Bear Creek Surgery Center, Keller, Texas, Respondent inappropriately administered one (1) gram of Ancef to Coworker MB, who was not a patient at the facility, without an order from a physician. Respondent's conduct exceeded her scope of practice in administering a medication without proper credentials and medical expertise.
8. On or about November 23, 2016, while employed as a Staff Nurse with Bear Creek Surgery Center, Keller, Texas, Respondent inadvertently administered Morphine to Patient Number 2449, instead of Dilaudid 0.2 mg, as ordered. Subsequently, after the error was discovered, Respondent incorrectly documented a telephone order to administer Morphine to the patient, in that there is no time, date, or notation that the order was received by telephone after the medication had been administered. Additionally, Respondent re-wrote the PACU medication record to reflect that the patient received seven (7) doses of Morphine 2 mg.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she administered Ancef to her co-worker after she complained of having more than 24 hours of sore throat and not feeling well. Respondent states that she questioned the co-worker of her allergies and past medical history. In response to the incident in Finding of Fact Number Eight (8), Respondent states that there was a physician's order for Dilaudid for Patient Number 2449. Respondent states that she pulled what she thought was Dilaudid, but evidently it was Morphine. Respondent states that she handed another nurse the medication and that nurse administered the medication without verifying it. At the end of the day, a narcotic count was performed by two nurses and a discrepancy was found, suggesting that she pulled Morphine instead of Dilaudid. Respondent states that she asked about the location of the medication in the cabinet and realized she had in fact pulled the wrong medication. Respondent states that as soon as she realized what she had done, she called the anesthesiologist, who told her it was okay and that he gave her the order to cover the

morphine. Respondent states that she also corrected the medication portion of the PACU chart, and added the Morphine order to the patient's order sheet as the physician told her to do. Respondent states that she wrote an incident report the following week when she returned to the facility after Thanksgiving.

10. On or about November 2, 2016, Respondent successfully completed a Board approved course in Critical Thinking Skills, which would have been a requirement of this Order.
11. On or about November 12, 2016, Respondent successfully completed a Board approved course in Texas Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(3)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 810407, heretofore issued to MANDY LYNN GASTON.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include:

a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- B. A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of

this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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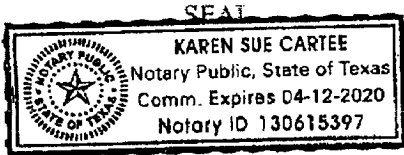
RESPONDENT'S CERTIFICATION

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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of March, 2018.

Mandy Lynn Gaston
MANDY LYNN GASTON, Respondent

Sworn to and subscribed before me this 11th day of March, 2018.



Karen S Cartee
Notary Public in and for the State of Texas

Approved as to form and substance.

Nancy Roper Wilson
Nancy Roper Wilson, Attorney for Respondent

Signed this 12th day of March, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of March, 2018, by MANDY LYNN GASTON, Registered Nurse License Number 810407, and said Order is final.

Effective this 19th day of April, 2018.



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