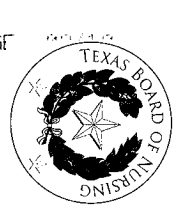

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 729660	§	
issued to MEREDITH A. SCHUBERT	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MEREDITH A. SCHUBERT, hereinafter referred to as Respondent, Registered Nurse License Number 729660, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on March 22, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Joanne P. Hopkins, Attorney at Law. In attendance were Executive Director's Designee, Mary Beth Thomas, PhD, RN; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jolene Zych, MS, RNC, WHNP; Bonnie Cone, MSN, RN; and Toni Frizell, RN, CNOR, 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(s).

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 May 13, 2006. Respondent was licensed to practice professional nursing in the State of Texas on June 22, 2006.

5. Respondent's nursing employment history includes:

6/2006 - 2/2008	RN	Seton Medical Center Austin, Texas
2/2008 - Present	RN	Seton Medical Center Williamson Round Rock, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nursery Nurse with Seton Medical Center Williamson, Round Rock, Texas, and had been in this position for three (3) years and nine (9) months.

7. On or about March 30, 2010, while working as a Newborn Nursery Nurse at Seton Medical Center Williamson, Round Rock, Texas, Respondent failed to notify the physician that the newborn infant of febrile Patient Number 7378197 had an elevated temperature of 103 degrees upon delivery. All temperatures over 99.5 were required to be reported. Although the infant was afebrile when Respondent transferred care of the newborn at 0400 to another nurse, the temperature began to elevate again to 99.6 at 04:40 and 05:40. Four (4) hours after delivery, Respondent found the infant was not breathing and unresponsive. Instead of immediately initiating cardiopulmonary resuscitation (CPR), Respondent placed the infant under the open warmer with the light, then ran to another room to get assistance. CPR was not initiated until Respondent returned with the Labor and Delivery Nurse, and although the infant was revived with resuscitation and placed on life support, the infant began to exhibit seizure activity. The infant was pronounced deceased later that day, several hours after life support had been removed. Autopsy results revealed an infection in the placenta and lungs of the infant. Respondent's failure to notify the physician at or shortly after 02:23 of the 103 temperature may have delayed the initiation of treatment of the infection through blood work customarily drawn at six hours of life. Respondent's securing assistance from other staff contributed to delay in immediate initiation of CPR.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that she used her nursing judgment to recheck the newborn's temperature after approximately 30-45 minutes to see if the temperature had normalized. She felt this was appropriate since the mother was febrile at the time of delivery and the newborn did not display any signs of distress. The newborn's Apgars were 7/9 and arterial blood gases and pH taken at delivery were normal. Additionally, the mother had been given antibiotics prior to delivery. Respondent discussed this decision to recheck the temperature with the charge nurse who concurred. Respondent submitted an affidavit from a nursing expert at the University of Texas School of Nursing at Austin that it was consistent with accepted standards of nursing practice to closely observe the newborn and repeat the temperature to determine if the temperature had normalized or stabilized, which it did based on the reading of 99.1 at 03:15, less than one hour following delivery.
Respondent transferred care of the newborn at 0400 to the Labor & Delivery nurse, but was asked to check on the mother and newborn at 06:40 which is when she found the newborn without respirations or heartbeat. After placing the newborn on the hard surface of the warmer to prepare for CPR administration, Respondent ran to a room two doors down where the L&D nurse and charge nurse were to secure assistance since Respondent knew no staff was at the Nursing Station. CPR was initiated immediately on Respondent's return to the room, which was not more than 30 seconds and likely less.

9. On May 28, 2010, Respondent successfully completed a course in Basic Cardiopulmonary Life Support for Healthcare Providers, which would have been a requirement of this Order.

10. On December 17, 2010, Respondent successfully completed the course "Sharpening Critical Thinking Skills," which would have been a requirement of this Order.

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 violation of Section is 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(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 License Number 729660, heretofore issued to MEREDITH A. SCHUBERT, including revocation of Respondent's license(s) to practice 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 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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) 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.*

(2) 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(3) 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.

(4) 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.

(5) 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.

(6) 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(s) to practice nursing in the State

of Texas and RESPONDENT shall 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of May, 2011.

MEREDITH A. SCHUBERT, Respondent

Sworn to and subscribed before me this 3rd day of May, 2011.

SEAL

Notary Public in and for the State of Texas

Deirdre H Johnson
My Commission Expires
01/13/2013

Approved as to form and substance.

Joanne P. Hopkins, Attorney for Respondent

Signed this 4th day of May, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of May, 2011, by MEREDITH A. SCHUBERT, Registered Nurse License Number 729660, and said Order is final.

Effective this 14th day of June, 2011.

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