



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 TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 216522 §
issued to ERIN MARIE MCKEEL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of ERIN MARIE MCKEEL, Vocational Nurse License Number 216522, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 3, 2011, 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Howard College, San Angelo, Texas, on May 10, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on July 1, 2008.
5. Respondent's nursing employment history includes:

7/2008-present	LVN Shannon Medical Center San Angelo, Texas
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6. At the time of the incident, Respondent was employed as a LVN with Shannon Medical Center, San Angelo, Texas, and had been in this position for one (1) year and seven (7) months.
7. On or about February 1, 2010, while employed with Shannon Medical Center, San Angelo, Texas, Respondent failed to initiate Cardiopulmonary Resuscitation for Patient LM, Medical Record Number 8155364, or call a Rapid Response when she found the patient to be without breath or pulse, delaying life saving interventions by several minutes. Instead of immediately calling a Code, Respondent left the patient's bedside in search of assistance. Once Cardiopulmonary Resuscitation was initiated, and the Rapid Response Team was called, the patient was resuscitated but died several hours later. Respondent's conduct delayed resuscitation efforts which may have contributed to the patient's demise.
8. In response to the incident in Findings of Fact Number Seven (7), Respondent states that she entered the patient's room at 0440 and found the patient without her CPAP mask on and her skin was cool to the touch. Respondent states there was a fan blowing on the patient which could have accounted for the cool feeling skin. Respondent states the patient did not appear to be breathing so she quickly tried to assess a radial pulse and could not find one so she attempted to palpate a jugular pulse but because the patient was obese she was unable to find a pulse at the jugular either. Respondent states she attempted to listen to the patient's lungs and thought she heard faint breath sounds but states that there was a lot of noise in the room from the fan and CPAP machine running and she wasn't sure if she was hearing breath sounds or noise from her stethoscope. Respondent states that after she eliminated the noise she was still able to hear slight noise which she thought was the diminished breath sounds she was searching for. Respondent states she quickly went down the short hallway to the nurses' station to find a more experienced nurse to assist in her evaluation. The Charge Nurse was unavailable but other people from the nurses' station went back to the patient's room where it was quickly determined that the patient was not breathing and that a code should be called. Respondent states that CPR was started within 5 minutes of the time of her reassessment of the patient. In conclusion of the Respondent states that in retrospect she realizes that she should have immediately called a Code knowing that it is far better to call a Code and cancel it rather than delay in calling a Code when a true emergency exists.

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)(B),(1)(M)&(2)(A) and 217.12(1)(A)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 216522, heretofore issued to ERIN MARIE MCKEEL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 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, 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>.*

(3) 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://learningext.com/hives/a0f6f3e8a0/summary>.*

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

Signed this 28 day of April, 2011.

Erin Marie Mckeel
ERIN MARIE MCKEEL, Respondent

Sworn to and subscribed before me this 28th day of APRIL, 2011.

SEAL



Becky Holdridge
Notary Public in and for the State of TEXAS

Approved as to form and substance.

M. Kenneth Patterson
M. Kenneth Patterson, Attorney for Respondent

Signed this 29th day of April, 2011.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 28th day of April, 2011, by ERIN MARIE MCKEEL, Vocational Nurse License Number 216522, and said Order is final.

Effective this 3rd day of May, 2011.

A handwritten signature in cursive script, reading "Katherine A. Thomas". The signature is written in black ink and is positioned above a horizontal line.

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