



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

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In the Matter of Registered Nurse           §     AGREED  
License Number 257948                       §  
issued to JULIE A. McCARTY               §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIE A. McCARTY, Registered Nurse License Number 257948, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on December 19, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 proceedings, 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 College of the Mainland, Texas City, Texas, in May 1981. Respondent was licensed to practice professional nursing in the State of Texas on March 19, 1982.
5. Respondent's nursing employment history includes:

3/1982 - 4/1982	Staff Nurse	John Sealy Hospital Galveston, Texas
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4/1982 - 1/1987	Staff Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas
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Respondent's nursing employment history continued:

1/1987 - 7/1987	Anesthesia Assistant	CHRISTUS St. John Hospital Nassau Bay, Texas
8/1987 - 7/1990	Float Pool Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas
7/1990 - 5/1991	Endoscopy Float Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas
6/1991 - 10/1995	Endoscopy Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas
10/1995 - 4/2005	Endoscopy Float Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas
4/2005 - Present	Endoscopy Nurse	CHRISTUS St. John Hospital Nassau Bay, Texas

6. At the time of the initial incident, Respondent was employed as an Endoscopy Nurse with CHRISTUS St. John Hospital, Nassau Bay, Texas, and had been in this position for four (4) years and three (3) months.
7. On or about July 17, 2009, while employed as an Endoscopy Nurse with CHRISTUS St. John Hospital, Nassau Bay, Texas, Respondent and another endoscopy staff nurse transported Patient Number MN00135616/AN0710183487 to the Intensive Care Unit (ICU) immediately after the endoscopy procedure was completed, while still in a prone position, without supplemental oxygen, while still under moderate sedation, and without ensuring the monitor was in clear view during the transport. The patient had been receiving supplemental oxygen both in the ICU prior to the procedure and in the Endoscopy Unit during the procedure, and was being transported back to the ICU for recovery. Upon arrival at the ICU with the patient, Respondent failed to assess and/or document the patient's vital signs and condition, as required by the facility's policy. When the patient was transferred to the ICU bed and repositioned, the patient was found to have no pulse and no respirations. A code blue was initiated and the patient was intubated; however, it was determined after resuscitation that the patient had suffered an anoxic brain injury. Nine (9) days later, the patient expired after a decision was made to withdraw the patient's life support. Respondent's conduct resulted in an incomplete medical record and may have contributed to the patient's respiratory arrest and subsequent demise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that when the Endoscopy Unit Manager asked her to transport the patient upstairs to ICU, she asked about turning the patient but was told by the Unit Manager that it would be better to "roll" him from

the stretcher to the ICU bed. Respondent indicates she agreed and then assisted another endoscopy staff nurse, who was at the foot of the stretcher near the portable monitor, with the transport. According to Respondent, the patient was breathing deeply and in no distress upon leaving endoscopy at 8:55, and it took approximately 3 minutes to take the patient up to the 3<sup>rd</sup> floor and to his room. Respondent states that she was at the head of the stretcher while en route, that she continuously watched the patient, who was in semi-prone position, and that she observed the patient's face - his breathing was normal and his color remained pink. Respondent says that at no time during the transport did the alarms go off and that she could hear the audible beep from the monitor. When they arrived at the ICU bed, Respondent connected the patient's cannula to the wall oxygen, and the patient was breathing deeply and his color was pink. Respondent then asked to be dismissed and returned to endoscopy, where the Endoscopy Unit Manager asked her to take the patient's medical record to ICU. Respondent states that when she dropped the medical record off at the ICU nursing station, the patient's curtain was drawn and it was quiet. Respondent indicates that she was on her way back to the Endoscopy Unit and had already made it to the elevator before the code blue was called.

9. The Board finds that Respondent's decision regarding transporting the patient in a prone position and without supplemental oxygen was effected by the actions and directions of the Endoscopy Unit Manager. Additionally, the facility emphasized reduction of time between patient procedures with rapid patient turn around in the Endoscopy Unit, and, as a result of the incident, revised its policies and procedures to ensure that all patients being transferred to the ICU from the Endoscopy Unit receive supplemental oxygen and have monitors on and visible.

#### 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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M), (1)(T)&(3)(A) and 217.12(1)(A),(1)(B),(1)(C),(1)(E)&(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 257948, heretofore issued to JULIE A. McCARTY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

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## 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 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>

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

(4) 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, 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 AND RESPONDENT MUST WORK IN SUCH 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 THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(6) 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.

(7) 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.

(8) 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.

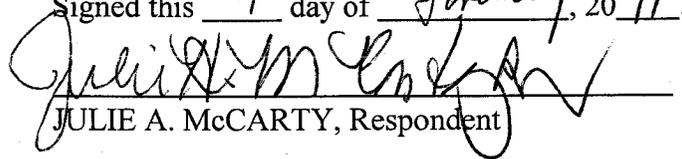
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

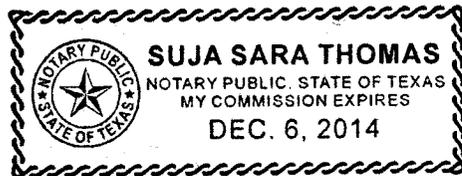
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 4 day of January, 2011.  
  
JULIE A. McCARTY, Respondent

Sworn to and subscribed before me this 4 day of January, 2011.

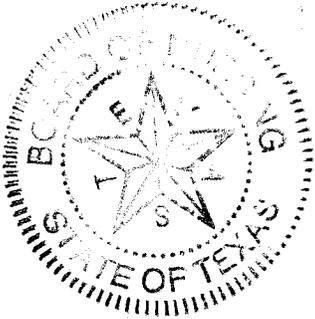
SEAL

Suja Sara Thomas  
Notary Public in and for the State of Texas.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4<sup>th</sup> day of January, 2011, by JULIE A. McCARTY, Registered Nurse License Number 257948, and said Order is final.

Effective this 8<sup>th</sup> day of February, 2011.



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