



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 745694                       §  
issued to RICKY LAMONT SMITH           §       ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bo produced evidence indicating that RICKY LAMONT SMITH, Nurse License Number 745694, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10) & (13), Texas Occupations Code.

An informal conference was held on January 19, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Taralynn Mackay, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising 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.
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 an Associate Degree in Nursing from Austin Community College, Austin, Texas on May 1, 2006. Respondent was licensed to practice nursing in the State of Texas on August 6, 2007.

5. Respondent's nursing employment history includes:

10/06 - 8/07	Staff Nurse Med/Surg	St. John's Providence Hospital Southfield, Michigan
9/07 - 2/08	Staff Nurse Ortho/Med Surg	Seton Family of Hospitals Austin, Texas
1/08 - 12/08	Staff Nurse Long Term Care	Heartland Healthcare Center Austin, TX
12/08 - 9/09	Staff Nurse Acute Care	Westways Staffing Services, Inc. Austin, Texas
4/09 - 7/09	Staff Nurse Pediatrics	Pediatric Services of America, Inc. Austin, Texas
7/09 - 10/09	Staff Nurse Long Term Care	Duval Gardens Nursing & Rehab Austin, Texas
9/09 - 5/10	Staff Nurse Long Term Care	Cedar View Rehabilitation & Health Austin, Texas
5/10 - 7/10	Staff Nurse Long Term Care	Regency Nursing & Rehab Austin, Texas
8/10 - present	not employed	

6. At the time of the incidents in Findings of Fact Numbers Seven (7), Respondent was employed as a Staff Nurse with Seton Medical Center, Austin, Texas, and had been in this position for four (4) months.

7. On or about January 30, 2008, while employed as a Staff Nurse with Seton Medical Center, Austin, Texas, Respondent failed to either reassess or to adequately document Respondent's reassessment of Patient Number 480734 within one hour after a second dose of intravenous (IV) Dilaudid 2mg was administered by another nurse during Respondent's shift as required by the facility's policy and procedure, despite having been informed the patient experienced apneic breathing during the previous shift after an administration of Dilaudid 2mg. Respondent failed to either document or adequately document Respondent's assessment of the patient, that the patient's IV saline lock had become infiltrated or that Respondent had notified the IV Nurse that the IV saline lock needed to be replaced. Respondent's failure to obtain essential information regarding his assigned patient deprived the patient of safe and effective continuity of care.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent asserts that he did assess the patient but did not have the opportunity to document his assessment prior to the Code and he was not able to do any late documentation in the medical record once the patient went to ICU. Regarding the saline lock, Respondent states that he assessed the patient and noted that the patient's saline lock had infiltrated, which Respondent entered into the computer to automatically notify the IV Nurse to come and insert an IV.
9. Charges were filed on May 28, 2010.
10. Charges were mailed to Respondent on June 1, 2010.

#### 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)(C) & (3)(A), 22 TEX. ADMIN. CODE §217.12(1)(A), (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 745694, heretofore issued to RICKY LAMONT SMITH, including revocation of Respondent's license to practice professional 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, Revised Civil Statutes of Texas as amended, 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 is 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, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

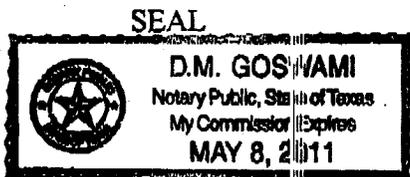
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 09 day of Feb, 2011.

Ricky Smith

RICKY LAMONT SMITH, RESPONDENT

Sworn to and subscribed before me this 9<sup>th</sup> day of February, 2011.



D. Goswami

Notary Public in and for the State of TX

Approved as to form and substance.

Taralynn R. Mackay

Taralynn Mackay, Attorney for Respondent

Signed this 9<sup>th</sup> day of February, 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 9<sup>th</sup> day of February, 2011, by RICKY LAMONT SMITH, Nurse License Number 745694, and said Order is final.



Effective this 11<sup>th</sup> day of February, 2011.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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