

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 39180 §
issued to RUTH MENDEZ SMITH HYDE § ORDER



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 P. Norman
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that RUTH MENDEZ SMITH HYDE, hereinafter referred to as Respondent, Vocational Nurse License Number 39180, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on October 12, 2010, 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 Warren Norred, Attorney at Law, Attorney at Law. In attendance were; Bonnie Cone, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Mike Abul-Saud, RN, 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 representation by counsel, 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 Arlington Memorial Hospital School of Vocational Nursing, Arlington, Texas, on January 24, 1968. Respondent was licensed to practice vocational nursing in the State of Texas on March 22, 1968.
5. Respondent's complete vocational nursing employment history is unknown.

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse with Masonic Retirement Center, Arlington, Texas, and had been in this position for approximately three (3) years and five (5) months.
7. On or about October 25, 2007, through December 2, 2007, while employed with Texas Masonic Retirement Center, Arlington, Texas, Respondent falsely documented blood glucose readings for patient MR #268 in that Respondent recorded a value of "200" on multiple occasions, instead of the values measured using a Glucometer as follows:

Date	Time	Blood Sugar documented on Diabetic Monitoring Flow Sheet	Recorded Blood Sugar Reading from Glucometer History
10/25/07	1630	200	236
10/29/07	1630	200	225
10/31/07	1630	200	234
11/4/07	1610	200	269
11/9/07	1630	200	242
11/10/07	1630	200	240
11/11/07	1630	200	224
11/15/07	1630	200	205
11/16/07	1630	200	227
11/20/07	1630	200	230
11/21/07	1630	200	231
11/26/07	1630	200	244
12/1/07	1630	200	216
12/2/07	1630	200	214

Respondent's action was deceptive to subsequent caregivers who would rely on inaccurate and misleading data on which to base their plan of care.

8. On or about October 25, 2007, through December 2, 2007, while employed with Texas Masonic Retirement Center, Arlington, Texas, Respondent falsified blood sugar readings for Patient MR#268 in order to avoid administering "Insulin Humulin R" per sliding scale to Patient MR# 268, as ordered. Respondent recorded a value of "200" on multiple occasions, instead of the values measured using a Glucometer as follows:

Date	Time	Blood Sugar documented on Diabetic Monitoring Flow Sheet	Blood Sugar from Glucometer History	Insulin to be administered per Sliding Scale order
10/25/07	1630	200	236	2 Units
10/29/07	1630	200	225	2 Units
10/31/07	1630	200	234	2 Units
11/4/07	1610	200	269	4 Units
11/9/07	1630	200	242	2 Units
11/10/07	1630	200	240	2 Units
11/11/07	1630	200	224	2 Units
11/15/07	1630	200	205	2 Units
11/16/07	1630	200	227	2 Units
11/20/07	1630	200	230	2 Units
11/21/07	1630	200	231	2 Units
11/26/07	1630	200	244	2 Units
12/1/07	1630	200	216	2 Units
12/2/07	1630	200	214	2 Units

Respondent's actions denied Patient MR #268 of the therapeutic benefits of Insulin, and exposed said patient to the risk of harm to include Hyperglycemia and Diabetic Ketone Acidosis.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent submitted an affidavit in which she adamantly denies any wrong doing. Respondent states that she has no knowledge or explanation why the blood glucose glucometer readings were the same or similar on many days. Respondent states that she would never do anything intentionally that could harm her patients.

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, 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(C),(6)(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 39180, heretofore issued to RUTH MENDEZ SMITH HYDE, including revocation of Respondent's license to practice vocational 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 A FINE, 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 multistate licensure privilege, if any, to practice nursing in compact states.

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 multistate licensure 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 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>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website: <http://www.dads.state.tx.us/providers/training/jointtraining.cfm> or by contacting (512) 438-2201.*

(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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) 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.

(7) 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.

(8) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(9) 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 or Licensed Vocational 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 and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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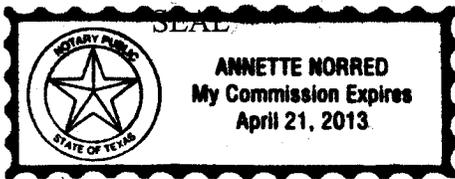
RESPONDENT'S CERTIFICATION

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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of Nov, 2010.

Ruth Menendez Smith Hyde
RUTH MENDEZ SMITH HYDE, Respondent

Sworn to and subscribed before me this 1 day of November, 2010.



Annette Norred
Notary Public in and for the State of Texas

Approved as to form and substance.

Warren Norred
Warren Norred, Attorney for Respondent

Signed this 1 day of Nov, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of November, 2010, by RUTH MENDEZ SMITH HYDE, Vocational Nurse License Number 39180, and said Order is final.

Effective this 14 day of 12, 2010.



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