BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 643935	§	
issued to GRACE M. (DUNTON) KING	§	ORDER

TEXAS BOARD OF NURSING
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

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of GRACE M. (DUNTON) KING, Registered Nurse License Num 643935, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 12, 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 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 a Baccalaureate Degree in Nursing from Medcenter One, College of Nursing, Bismark, North Dakota, in May 1997. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 1997.

5. Respondent's professional nursing employment history includes:

1997 - 03/99	Staff Nurse	Scenic Mountain Medical Center Big Spring, Texas
04/99 - Present	Staff Nurse Labor & Delivery	Medical Center Hospital Odessa, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Labor and Delivery Department with Medical Center Hospital, Odessa, Texas, and had been in this position for six (6) years and nine (9) months.

7. On or about January 20, 2006, while employed as a Staff Nurse in the Labor and Delivery Department at Medical Center Hospital, Odessa, Texas, and caring for Patient Number 469235, Respondent administered Terbutaline to the patient without a physician's order. The physician denied giving the order for Terbutaline. Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse reactions from the administration of Terbutaline without a physician's order.

8. On or about January 20, 2006, while employed as a Staff Nurse in the Labor and Delivery Department with Medical Center Hospital, Odessa, Texas, and caring for Patient Number 469235, Respondent failed to document changes in the patient's condition. Respondent failed to document contraction frequency and duration until 8:30 a.m., which was after she administered the first dose of Terbutaline. Respondent's conduct was likely to deceive other caregivers who needed complete information on which to base their care.

9. On or about January 20, 2006, while employed as a Staff Nurse in the Labor and Delivery Department with Medical Center Hospital, Odessa, Texas, and caring for Patient Number 469235, Respondent falsely documented in the medical record that she attempted to reach the physician regarding the patient's status at 0720. The physician denied receiving the telephone call at 0720, and the call was not reflected in the physician's telephone logs. Respondent's conduct was likely to deceive the physician who needed complete information on which to base her care.

10. Respondent submitted verification of her successful completion of the course approved by the Association of Women's Health, Obstetric and Neonatal Nurses (AWHONN) titled "Intermediate Fetal Monitoring Course" dated September 18, 2006, which would have been required under this Order.

11. In response to the allegations, Respondent states that she received the Patient MC at 7:15am and the patient had been induced because she was contracting and past full term. The patient had refused induction several weeks earlier and she was contracting too rapidly. The attending physician was not in the hospital. At 7:19am the patient requested an epidural for pain and it was administered. The patient's membranes ruptured while the patient was setting up for the epidural. The patient was rapidly progressing in labor and the infant's heartbeat was going up and down. At approximately 7:44 am Respondent administered Terbutaline to slow down the contractions. The hospital policy allowed Terbutaline to be administered without prior order of the attending physician if the fetal heart rate is non-reassuring or if a single contraction lasted more than two minutes or the frequency of the contractions is more than five contractions in a ten minute period. Conditions were changing rapidly and were also deteriorating. There was no time to confer with the physician and there was no staff back up to Respondent for her to stop what she was doing prior to the administration of Terbutaline to contact the attending physician. Respondent could not leave the room during

the labor. The unit secretary attempted to page the attending physician and Respondent paged the attending physician at 7:52am and talked to the physician at 7:54am. At that time the physician was receiving a full report on the condition of the patient and the details of the labor. The physician told Respondent that she was on her way to the hospital and Respondent notified her of the administration of Terbutaline and she did not question the administration of the drug. The physician advised Respondent to continue to prepare for delivery. At 8:18am Respondent left the room and paged the attending physician. At 8:19am the physician returned the call and said that she was in the building and that she would be there shortly. At 8:25am the baby was delivered and the neonatal unit picked up the baby. Respondent denies falsifying any documentation. Respondent advises that at all times relevant to her performance the unit secretary and the charge nurse were present. The hospital had a sentinal meeting about the incident within approximately sixty (60) days of the incident. The attending physician was in attendance at the meeting and made no allegations that Respondent did not consult the attending physician prior to administering of Terbutaline. Respondent has attended a Intermediate Fetal Monitoring course on September 18, 2006 and an Advanced Fetal Monitoring course on November 12, 2006, at Texas Tech Medical School. Respondent denies the allegations that she failed to document the changes in the patient's condition.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(C),(D)&(P).

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 643935, heretofore issued to GRACE M. (DUNTON) KING, including revocation of Respondent's license to practice professional 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 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 deliver the wallet-sized license issued to GRACE M. (DUNTON) KING, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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.*

(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://ncsbn.hivelive.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:

(4) 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.

(5) 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.

(6) For the duration of the stipulation period, 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.

(7) 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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of May, 2010.

GRACE M. (DUNTON) KING, Respondent

Sworn to and subscribed before me this 10th day of May, 2010.

SEAL

ANGIE J. CHILDRESS
MY COMMISSION EXPIRES
November 4, 2012

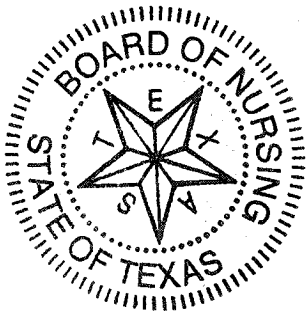
Notary Public in and for the State of Texas

Approved as to form and substance.

Alan G. Moravcik, Attorney for Respondent

Signed this 14th day of May, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of May, 2010, by GRACE M. (DUNTON) KING, Registered Nurse License Number 643935, and said Order is final.

Effective this **22nd** day of **July**, **2010**.

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