



Respondent's nursing employment history continued:

04/2004 - 08/2004	Staff Nurse	Denton Community Hospital Denton, Texas
09/2004 - 10/2004	Unknown	
11/2004 - 04/2006	Staff Nurse	University of Texas Medical Branch, Texas Youth Corrections Gainesville, Texas
05/2006	Unknown	
06/2006 - 10/2007	Charge Nurse	Renaissance Care Center Gainesville, Texas
11/2007 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Renaissance Care Center, Gainesville, Texas, and had been in this position for one (1) year and three (3) months.
7. On or about September 30, 2007, while employed as a Charge Nurse with Renaissance Care Center, Gainesville, Texas, Respondent failed to appropriately and timely assess, evaluate, and intervene in the care of Resident Number 843, who had sustained a fall while attempting to transfer from a chair to her walker. Instead of transporting the resident to her room and performing an appropriate focused assessment, Respondent felt the resident's legs, pulled up the resident's upper garments, looking quickly at the resident's torso while in the day room, then instructed the nurse aides to transfer the resident to a wheel chair and wheel the resident to the dining room. The resident was then returned to her room via wheelchair and assisted to bed. Respondent also failed to perform a follow up assessment, which may have revealed injuries not apparent immediately after the fall. The resident was observed by staff to have skin tears on both elbows during Respondent's shift, and the following day X-rays were obtained which revealed a fractured left femur. Additionally, Respondent violated the privacy of the resident when she inappropriately pulled up her clothing in the day room. Respondent's conduct deprived the resident of her privacy and dignity and unnecessarily delayed medical intervention.
8. On or about September 30, 2007, while employed as a Charge Nurse with Renaissance Care Center, Gainesville, Texas, Respondent failed to accurately and completely document in the medical record of the aforementioned Resident Number 843 regarding her assessments, documenting only that "zero" injuries were apparent. Additionally, Respondent falsely documented in the Accident/Incident Report that the resident had ambulated to the dining room and to her room. Respondent's conduct resulted in an incomplete medical record and was deceptive.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she was at the Nurse's Station, not far from the day room area when the resident fell, and Respondent immediately assessed the resident in the day room with the Certified Nurse Aide (CNA) at the resident's side. According to Respondent, the CNA told her that the Resident had not struck her head, Respondent "ran her fingers" over the resident's scalp and found no blood, no tenderness, and no swelling, that the resident was sitting "straight on her buttocks NOT on one side or the other," that the resident had not struck the chair or any other furniture, and that she checked the resident's vital signs, which were normal. Respondent states that the resident's arms were completely free of injury, and when she pulled the resident's shirt up and checked her back, chest, and abdomen, those areas were also free of injury. Respondent asserts that she checked the resident's legs and found no injury, no abnormal rotation and no length discrepancies. Respondent adds that she knew she could assess the resident further by watching her gait, and observed that the resident walked to the dining room unassisted with her walker, not only walking without pain, but with a gait that was "completely normal for her;" further, the resident returned to her room using the walker, without complaint, and was put to bed by the CNA. Respondent emphatically denies that the resident suffered injuries and asserts that she fully documented in her notes and on the Incident Report. Respondent contends that had the resident cried or complained of pain or other injury during incontinent care on the night shift, it would surely have been noted, but nothing was documented until the day shift nurse found skin tears to both forearms, multiple contusions and marked edema of the left thigh. Respondent states, "It is my assertion that the only explanation is that the resident suffered a second fall during the night where she most likely struck her head on furniture in the room and also fractured the left femur and traumatized her skin." Respondent concludes that she believes that nursing administration "offered her" as a "sacrificial lamb" to appease the family of the resident, who were very upset about the resident's injuries and had suggested legal action. Respondent states that she further believes that she was the victim of "pay back" for questioning nursing administration about various practices that she believed to be suspect.

#### 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)(D),(1)(M)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).
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 187747, heretofore issued to KRISTIN ELIZABETH ANDERSON, 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 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 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 deliver the wallet-sized license issued to KRISTIN ELIZABETH ANDERSON, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website <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 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>.*

(4) 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: Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(5) 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>.

(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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:**

(7) 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.

(8) 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.

(9) 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.

(10) 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 licence 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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of March, 2010.

Kristin Elizabeth Anderson  
KRISTIN ELIZABETH ANDERSON, Respondent

Sworn to and subscribed before me this 24 day of March, 2010.

SEAL

Maria Melendez  
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 24<sup>th</sup> day of March, 2010, by KRISTIN ELIZABETH ANDERSON, Vocational Nurse License Number 187747, and said Order is final.

Effective this 11th day of May, 2010.



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