

Covenant School of Nursing  
Disciplinary Action Summary Assignment  
Instruction Module 2

Student Name: Gracie Harrison  
Assignment # 2

Date: 11/01/2024

DAS

**NOTICE OF DISCIPLINARY ACTION –**

Name of the defendant: MICHAEL JAMES VEAR, RN

License #: 806648

Date action was taken against the license: November 8, 2022

Type of action taken against the license: PROBATED SUSPENSION

*Use the space below to describe the events which led to the action(s) taken against the license. If multiple charges were in play, be sure and cite them, e.g. drug diversion, HIPAA violation, abandonment, forfeiture on student loans, etc.*

1. On April 14, 2022, Michael was employed with Texas Children's Hospital as a Charge Nurse. He slapped a patient on his cheek and then held the patient's face down by his chin, after the patient had spit in nurse Michael's face. Furthermore, the patient was restrained on a stretcher. His conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered with or disrupted this patient's treatment.

In response to the incident Michael states that this was an intense situation wherein the patient created danger for himself and to the staff who were trying to care for him. Michael had just come on shift and received report on the patient who was being transported to Texas Children's Hospital and was being combative. Michael states that when the patient arrived he was yelling out racial expletives and was thrashing about, risking tipping over the gurney on which he was loosely restrained. The EMS personnel had difficulty controlling him, so Michael intervened by taking control of the patient's left

wrist and applied pressure and medially rotated it safely in order to gain the attention of the patient. The patient was loosely restrained (patient was able to move his extremities 6-12 inches up and down and side to side) but continued to be combative and sat up on the gurney and spit in Michael's face. Michael related that he had a "knee jerk reaction" and slapped the patient on the right cheek with an open hand and then grabbed the patient's cheeks with his thumb and fingers, trying to cover his mouth and telling him to stop spitting. Two patient care assistants attempted to place a mask on the patient, but the patient would not comply. EMS personnel attempted to restrain the patient by holding him around the neck with the patient's hair in their hands. Charge nurse Michael directed staff to move the patient to an exam room so they could get the patient properly restrained. The patient spit on Michael 2 more times because he would not keep the face shield on. Michael reported that once the patient secured, he removed himself from the situation to decontaminate his face and he had no further interaction with the patient.

In conclusion, nurse Michael's license was SUSPENDED and placed on PROBATION for a minimum of 2 years until he fulfilled additional requirements of the Order.

He was ordered to complete the Board's online course, "Understanding Board Orders" within 30 days and submit course verification. He must also complete remedial education courses within 1 year: A (minimum of 6 hours) Board approved course in Texas nursing jurisprudence and ethics. A (minimum of 6 hours) Board approved course in nursing documentation. A (3.6 hour online) "sharpening Critical Thinking Skills" program by the National Council of State Boards of Nursing (NCSBN). There were also other stipulations of this order including: working as a nurse in Texas, providing direct patient care in a clinical healthcare setting for a minimum of 64 hours per month for 2 years. He must notify each present employer in nursing and provide a copy of the court order within 5 days of receiving the order.

After compliance with the terms of this order and successful completion of the required courses, all encumbrances will be removed from Michael's license.

*Use the space below to provide a description of measures you think could have prevented any action being taken against the license and/or would have prevented harm to the patient, if harm occurred.*

There are some basic measures that nurse Michael could have taken to prevent these actions and/or harm. Despite the patient being combative, Michael should have maintained a professional and calm demeanor to avoid escalating the situation. Maintaining a composed demeanor could have helped de-escalate the patient's combativeness. He could have assessed the situation to determine the real reason for the behavior such as if the patient was in pain, confused, or scared, which could have contributed to his actions. Encourage the patient to express their concerns by listening. Be aware of your own body position and approach the patient with respect by being supportive of their issues. Additionally, ensure the safety of the patient and staff.

*Identify ALL universal competencies violated and explain how.*

Competencies that were violated were:

**Standard Precautions** were violated when nurse Michael slapped the patient and held his face down by his chin.

**Human Caring** was violated in these circumstances as well. Nurse Michael failed to comply with a nurse's professional code of ethics and possibly causing emotional, physical, and/or psychological harm to the patient and could have interfered with or disrupted this patient's treatment

**Safety and security** (physical) competency was violated when Michael slapped the patient and held his face down by his chin.

**Critical thinking** was violated, as nurse Michael demonstrated a "knee-jerk reaction" when he slapped the patient and held his face down by his chin.

**Professional Role** was violated by ignoring many aspects of a licensed nurse (RN), chain of command, knowing and adhering to facilities policy.

*Use the space below to describe what action you think a prudent nurse would take as the first person to discover the event described. In other words, you are the one who discovers the patient has been harmed by the nurse or you have discovered the impairment or criminal activity cited in the disciplinary action.*

If I was the first person to discover or observe that this nurse slapped the patient, I would first follow my facilities policies and procedures as a general guideline. My first priority is the patient's safety. Therefore, I would try to collaborate to solve any conflict by objectively evaluating the situation.

Although the situation occurred with the Charge Nurse I would report to another supervisor. I would also try to accommodate to maintain peace and harmony by smoothing over differences. Mediate and negotiate while identifying the underlying issues while also encouraging professional behavior is another strategy I would try. I would also document the situation, steps taken, and the resolution. As nurses we have a code of ethics that we must adhere to and not practice out of this scope.