

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 714270  
ISSUED TO  
PAUL REGINALD HULIN

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia A. Williams*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Paul Reginald Hulin  
4580 Beechnut #110EC  
Houston, TX 77096

During open meeting held in Austin, Texas, on June 12, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

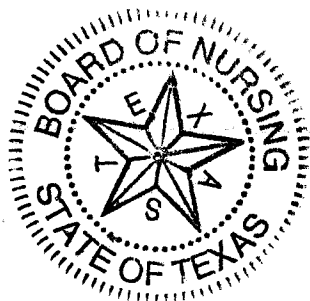
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 714270, previously issued to PAUL REGINALD HULIN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of June, 2012.



TEXAS BOARD OF NURSING

*Katherine A. Thomas*

BY:

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 30, 2012.

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: 6/14/12  
Signed: [Signature]

Re: Permanent Certificate Number 714270  
Issued to PAUL REGINALD HULIN  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 2012 a true and correct copy of the foregoing  
DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to  
the following person(s):

Paul Reginald Hulin  
4580 Beechnut #110EC  
Houston, TX 77096

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 714270, Issued to  
PAUL REGINALD HULIN, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PAUL REGINALD HULIN, is a Registered Nurse holding license number 714270, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about August 25, 2011, through September 7, 2011, while employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent, withdrew Meperidine and Morphine from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' orders. Respondent's conduct was likely to injure the patient in that the administration of Meperidine and Morphine without a valid physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### CHARGE II.

On or about August 25, 2011, through September 7, 2011, while employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent, misappropriated Meperidine and Morphine from the facility or patients thereof or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

#### CHARGE III.

On or about August 25, 2011, through September 7, 2011, while employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent, failed to assess, document vital signs, and to contact a physician regarding patient's increased pain. Respondent's conduct was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care. Additionally, Respondent's conduct delayed the onset of the patient's medical care that was needed to prevent further complications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(D)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4)&(5).

#### **CHARGE IV.**

On or about September 7, 2011, while employed as a Registered Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent, engaged in the intemperate use of opiates in that Respondent submitted a specimen for a drug screen that produced a positive result for opiates. Unlawful possession of Opiates is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Opiates by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(10)(A)&(11)(B).

#### **CHARGE V.**

On or about September 20, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to St. Luke's Patients Medical Center Hospital, Pasadena, Respondent withdrew Lorazepam, Hydromorphone, Morphine, and Clonazepam, from the Medication Dispensing System for patients, but failed to document or completely and accurately document the administration of, including signs, symptoms, and responses to the medications in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

#### **CHARGE VI.**

On or about September 20, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to St. Luke's Patients Medical Center Hospital, Pasadena, Respondent withdrew Lorazepam, Hydromorphone, Morphine, and Clonazepam from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

#### **CHARGE VII.**

On or about September 20, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to St. Luke's Patients Medical Center Hospital, Pasadena, Respondent misappropriated Lorazepam, Hydromorphone, Morphine, and Clonazepam from the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

#### **CHARGE VIII.**

On or about October 1, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent failed to take vital signs and assessments on admission for Patient Medical Record Number 391335. Respondent's conduct was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care. Additionally, Respondent's conduct delayed the onset of the patient's medical care that was needed to prevent further complications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(D)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4)&(5).

#### **CHARGE IX.**

On or about October 5, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent falsified a physician's order by writing, "Dilaudid 3mg IVP x 1 dose." The Physician disputes this, and states he did not give Respondent this order, and that he does not give orders for 3mg Dilaudid. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### **CHARGE X.**

On or about October 5, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for Patient Medical Record Number 173877 in excess frequency/dosage of the physician's order. Respondent's conduct was likely to injure the

patient in that the administration of Hydrocodone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### CHARGE XI.

On or about October 5, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for Patient Medical Record Number 173877 and falsely documented that he had administered this medication at 2037. Additionally, Respondent's shift ended at 1915, and Respondent clocked out at 2000. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment. Additionally, Respondent's conduct created an inaccurate medical record on which subsequent care-givers would rely on to provide ongoing medical care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4),(6)(A)&(H) and (10)(B).

#### CHARGE XII.

On or about October 7, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent falsified a physician's order for Patient Medical Record Number 390688, in that at 0940 Respondent documented an order for "Dilaudid 3mg IVP now x 1 dose," at 1230 Respondent wrote "Dilaudid 3mg IVP Q6 hours prn pain, first dose now," and at 1940 Respondent wrote "discontinue Dilaudid IPV prn". The Physician disputes this, stating he never gave the above orders and that the actual order was "Dilaudid 1mg IV Q6hr prn pain, first dose now." Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### CHARGE XIII.

On or about October 7, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent failed to provide patient care in a timely manner to Patient Medical Record Number 391768, in that Respondent was notified by lab personnel at 1126 that ordered blood was ready. Respondent did not initiate the transfusion as ordered on this patient until 1749. Respondent's conduct was likely to injure the patient in that failure to follow physician's orders could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### **CHARGE XIV.**

On or about October 7, 2011, while employed as a Registered Nurse with Med Relief, Houston, Texas, and assigned to Kingwood Medical Center, Kingwood, Texas, Respondent failed to administer an order given at 0916 on Patient Medical Record Number 346540 for "KDur 40 mdq PO x 1 today." Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### **CHARGE XV.**

On or about November 11, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Demerol, Fentanyl, Meperidine, and Propofol from the Medication Dispensing System for patients without valid physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Demerol, Fentanyl, Meperidine, and Propofol without a valid physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### **CHARGE XVI.**

On or about November 11, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Demerol, Fentanyl, Meperidine, and Propofol from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' orders. Respondent's conduct was likely to injure the patients in that the administration of Demerol, Fentanyl, Meperidine, and Propofol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B) and (4).

#### **CHARGE XVII.**

On or about November 11, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Demerol, Fentanyl, Meperidine, and Propofol from the Medication Dispensing System for patients, but failed to document, or completely and accurately document the administration of, including signs, symptoms, and responses to the medications in the



patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

#### **CHARGE XVIII.**

On or about November 11, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Demerol, Fentanyl, Meperidine, and Propofol from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

#### **CHARGE XIX.**

On or about November 11, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent misappropriated Demerol, Fentanyl, Meperidine, and Propofol from the facility or patients thereof, or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

#### **CHARGE XX.**

On or about November 12, 2011, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent lacked fitness to practice nursing in that he was witnessed having a "pig tail" hanging out of the long-sleeve shirt he was wearing. Additionally, fresh needle marks were noted on Respondent's arm. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B)&(1)(T) and 217.12(1)(A),(B)&(E),(4)&(5)

#### **CHARGE XXI.**

On or about January 12, 2012, Respondent entered a plea of "Guilty" to DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on September 2, 2011) in the County Criminal Court at Law No. 8, Harris County, Texas, under Cause Number 177893701010. As a result of the plea, Respondent was placed on Court Probation for a period of two (2) years and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

#### **CHARGE XXII.**

On or about February 6, 2012, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent withdrew Fentanyl and Hydromorphone from the Medication Dispensing System for patients, but failed to document, or completely and accurately document the administration of, including signs, symptoms and responses to the medications in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

#### **CHARGE XXIII.**

On or about February 6, 2012, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent withdrew Fentanyl and Hydromorphone from the Medication Dispensing System for patient, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

#### **CHARGE XXIV.**

On or about February 6, 2012, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent misappropriated Fentanyl and Hydromorphone from the facility or patients thereof, or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

#### CHARGE XXV.

On or about February 6, 2012, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent lacked fitness to practice nursing in that he showed signs of impaired behavior to include: rambling and incoherent speech, swaying, appearing confused, bloodshot eyes, jittery, and "nodding off" several times. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B)&(1)(T) and 217.12(1)(A),(B)&(E),(4)&(5)

#### CHARGE XXVI.

On or about February 6, 2012, while employed as a Registered Nurse with The Methodist Hospital, Houston, Texas, Respondent engaged in unprofessional behavior in that Respondent submitted a specimen for a drug screen that produced a "tampered with" result. Respondent's conduct was deceptive.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code and is a violation of and 22 TEX. ADMIN. CODE §217.126(H).

#### CHARGE XXVII.

On or about March 10, 2012, while employed as a Registered Nurse with Oak Grove Nursing Home, Graves, Texas, Respondent lacked fitness to practice nursing in that he showed signs of impaired behavior to include: slurring and mumbling his words, talking extremely fast, itching and scratching his arms and legs repetitively, snorting and sniffing, dilated eyes, and Respondent was witnessed to be stumbling. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(B)&(1)(T) and 217.12(1)(A),(B)&(E),(4)&(5)

### **CHARGE XXVIII.**

On or about March 10, 2012, while employed as a Registered Nurse with Oak Grove Nursing Home, Graves, Texas, Respondent withdraw Dilaudid, Ativan, Valium, and Soma from the Medication Dispensing System for patients, but failed to document, or completely and accurately document the administration of, including signs, symptoms and responses to the medications in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

### **CHARGE XXIX.**

On or about March 10, 2012, while employed as a Registered Nurse with Oak Grove Nursing Home, Graves, Texas, Respondent withdrew Dilaudid, Ativan, Valium, and Soma from the Medication Dispensing System for patient, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

### **CHARGE XXX.**

On or about March 10, 2012, while employed as a Registered Nurse with Oak Grove Nursing Home, Graves, Texas, Respondent misappropriated Dilaudid, Ativan, Valium, and Soma from the facility or patients thereof, or failed to take precautions to prevent such misappropriations. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8) and (11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses,

staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

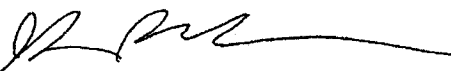
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 30 day of April, 20 12.

TEXAS BOARD OF NURSING

  
\_\_\_\_\_  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

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Robert Kyle Hensley, Assistant General Counsel  
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TEXAS BOARD OF NURSING

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