

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 593996 &
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 129342
ISSUED TO
BOBBY EARLE CAUDLE

§
§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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 R. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: BOBBY EARLE CAUDLE
221 SO WOFFORD
ATHENS, TX 75751

During open meeting held in Austin, Texas, on August 14, 2012, the Texas Board of Nursing 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 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(s) to practice 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 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

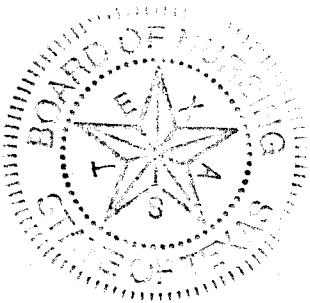
reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this 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 Registered Nurse License Number 593996, and Permanent Vocational Nurse License Number 129342, previously issued to BOBBY EARLE CAUDLE, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 14th day of August, 20 12.



TEXAS BOARD OF NURSING

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed June 8, 2012.

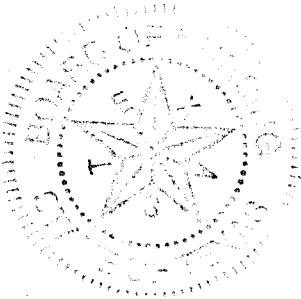
Re: , Permanent Registered Nurse License Number 593996
& Permanent Vocational Nurse License Number 129342
Issued to BOBBY EARLE CAUDLE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 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):

BOBBY EARLE CAUDLE
221 SO WOFFORD
ATHENS, TX 75751

CC: Bobby Earle Caudle
PO Box 846
Mabank, Texas 75147



BY:

Katherine A. Thomas

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

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

Date: 8/17/12

Signed: [Signature]



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN
Executive Director

June 8, 2012

Certified Mail No. 91 7199 9991 7030 6369 6677
Return Receipt Requested

Bobby Earle Caudle
221 S. Wofford
Athens, Texas 75751

Dear Mr. Caudle:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Veronica Franco, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Veronica Franco, Investigator, Enforcement Division, at the above address, or at (512) 305-7949.

Sincerely,

Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/vf

Enclosure: Formal Charges

09/99-DA

Members of the Board

Kristin Benton, MSN, RN
Austin, President

Deborah Bell, CLU, ChFC Abilene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Hurlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
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In the Matter of Permanent License § BEFORE THE TEXAS
 Numbers 593996 and 129342 , Issued to §
 BOBBY EARLE CAUDLE, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BOBBY EARLE CAUDLE, is a Registered Nurse holding license number 593996 and Vocational Nurse holding license number 129342, which are in Delinquent 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 July 1, 2009, while employed as a Registered Nurse with East Texas Medical Center Hospital, Tyler, Texas, Respondent withdrew Demerol 50mg and Versed 5 mg from the Pyxis Medication Dispensing System for Patients Medical Record Numbers 917705 and 1114576, but failed to document or accurately document the administration of the medication in the Medication Administration Record (MAR), as follows:

Date/ Time	Patient	Pyxis Record	Physician's Order	MAR	Wastage
07/01/09 @ 7:33	917705	Versed 5mg (2)	None	None	None
07/01/09 @ 7:34	917705	Versed 5mg (4)	None	None	None
07/01/09 @ 12:05:02	1114576	Versed 5mg (1)	Versed 4mg	1210 2mg	None
07/01/09 @ 12:05:11	1114576	Versed 5mg (1)	Versed 4mg	1213 2mg	None
07/01/09 @ 12:05:19	1114576	Demerol 50mg (2)	Demerol 50mg	1210 25mg 1213 25mg	None
07/01/09 @ 14:12	1114576	Demerol 50mg (2)	Demerol 50mg	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient 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),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE II

On or about July 1, 2009, while employed as a Registered Nurse with East Texas Medical Center Hospital, Tyler, Texas, Respondent withdrew Demerol 50mg and Versed 5 mg from the Pyxis Medication Dispensing System for Patients Medical Record Numbers 917705, 925290, 1115565, and 1114576, but failed to follow the facility's policy and procedure for wastage of any of the unused

portions of the medication, as follows:

Date/ Time	Patient	Pyxis Record	Physician's Order	MAR	Wastage
07/01/09 @ 7:33	917705	Versed 5mg (2)	None	None	None
07/01/09 @ 7:34	917705	Versed 5mg (4)	None	None	None
07/01/09 @ 12:05:02	1114576	Versed 5mg (1)	Versed 4mg	1210 2mg	None
07/01/09 @ 12:05:11	1114576	Versed 5mg (1)	Versed 4mg	1213 2mg	None
07/01/09 @ 12:05:19	1114576	Demerol 50mg (2)	Demerol 50mg	1210 25mg 1213 25mg	None
07/01/09 @ 14:12	1114576	Demerol 50mg (2)	Demerol 50mg	None	None

Respondent's conduct was likely to deceive the hospital pharmacy and place 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)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(10)(C).

CHARGE III

On or about July 1, 2009 through July 30, 2009, while employed as a Registered Nurse with East Texas Medical Center Hospital, Tyler, Texas, Respondent misappropriated Demerol 50mg, Demerol 100mg, and Versed 5mg, belonging to patients, or failed to take precautions to prevent such misappropriation. Specifically, there were a total of two hundred thirty-eight (238) vials of Demerol 50mg missing, one hundred six (106) vials of Versed 5mg missing, and one (1) vial of Demerol 100mg missing from July 1, 2009 through July 30, 2009. 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)(A),(1)(B),(6)(G),(8)&(11)(B).

CHARGE IV

On or about February 24, 2010 through February 25, 2010, and February 27, 2010, while employed as a Registered Nurse with Palestine Regional Medical Center, Palestine, Texas, Respondent withdrew Hydromorphone from the Pyxis for Patient Account Numbers L00102423972, L00102415331, and L00102431575 without a valid physician's order, as follows:

Date/Time	Patient	Pyxis Record	Physician's Order	MAR	Nurse's Notes	Wastage
02/24/10 @ 19:51	L00102423972	Hydromorphone 2mg	None	None	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg	None	None	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg ampule	None	None	None	None
02/27/10 @ 00:11	L00102431436	Hydromorphone 2mg ampule	None	None	None	None

Respondent's conduct was likely to injure the patients in that the administration of Hydromorphone 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)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(B).

CHARGE V

On or about February 24, 2010 through February 25, 2010, and February 27, 2010, while employed as a Registered Nurse with Palestine Regional Medical Center, Palestine, Texas, Respondent withdrew Hydromorphone, Ativan, and Morphine from the Pyxis Medication Dispensing System for Patients Account Numbers L00102427920, L00102423972, L00102429190, L00102415331, L00102429190, and L00102431575, but failed to document or accurately document the administration of the medications in the patient's Medication Administration Record (MAR) and/or nurse's notes:

Date/Time	Patient	Pyxis Record	Physician's Order	MAR	Nurse's Notes	Wastage
02/24/10 @ 18:34	L00102427920	Hydromorphone 2mg	Dilaudid 2mg carpuject	None	None	None
02/24/10 @ 19:51	L00102423972	Hydromorphone 2mg	None	None	None	None
02/24/10 @ 20:51	L00102429190	Ativan 2mg	Lorazepam 2mg prn	1910	2300 Ativan 2mg	None
02/24/10 @ 20:51	L00102429190	Morphine Sulfate 2mg	Morphine 2mg IVP q 4 hrs prn	2100	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg	None	None	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg	None	None	None	None
02/27/10 @ 00:11	L00102431436	Hydromorphone 2mg	None	None	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient 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),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE VI

On or about February 26, 2010, while employed as a Registered Nurse with Palestine Regional Medical Center, Palestine, Texas, Respondent withdrew Oxycodone 5mg from the Pyxis Medication Dispensing System for Patients Account Number L00102431436 in excess frequency/dosage of the physician's orders, in that the physician ordered Oxycodone 5mg by mouth (po) three times a day (TID) as needed for severe pain and Respondent removed Oxycodone 5mg at 20:15 and again at 20:16. Respondent's conduct was likely to injure the patient in that the administration of Oxycodone 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),(1)(B)&(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE VII

On or about February 24, 2010 through February 25, 2010, and February 27, 2010, while employed as a Registered Nurse with Palestine Regional Medical Center, Palestine, Texas, Respondent withdrew Hydromorphone, Ativan, and Morphine from the Pyxis Medication Dispensing System for Patients Account Numbers L00102427920, L00102423972, L00102429190, L00102415331, L00102429190, and L00102431575, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the medications, as follows:

Date/Time	Patient	Pyxis Record	Physician's Order	MAR	Nurse's Notes	Wastage
02/24/10 @ 18:34	L00102427920	Hydromorphone 2mg	Dilaudid 2mg carpuject	None	None	None
02/24/10 @ 19:51	L00102423972	Hydromorphone 2mg	None	None	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg	None	None	None	None
02/25/10 @ 18:38	L00102415331	Hydromorphone 2mg	None	None	None	None
02/27/10 @ 00:11	L00102431436	Hydromorphone 2mg	None	None	None	None

Respondent's conduct was likely to deceive the hospital pharmacy and place 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)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(10)(C).

CHARGE VIII

On or about February 24, 2010 through February 25, 2010, and February 27, 2010, while employed as a Registered Nurse with Palestine Regional Medical Center, Palestine, Texas, Respondent misappropriated Hydromorphone, Ativan, Morphine, and Oxycodone belonging to the facility and 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)(A),(1)(B),(6)(G),(8)&(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. 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, reproduction of records, Board 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.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely 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.

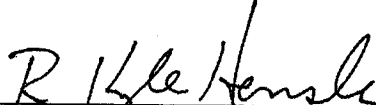
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 8th day of June, 2012.

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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State Bar No. 24066924

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