

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 200250
ISSUED TO MICHAEL JERROD DAREING

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



Patricia P. Plummer
Executive Director of the Board

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.

ORDER OF THE BOARD

TO: Michael Jerrod Dareing
2001 Slayden #118
Brownwood, TX 76801

During open meeting held in Austin, Texas, on September 11, 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 Vocational Nurse License Number 200250, previously issued to MICHAEL JERROD DAREING, to practice 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 nursing in the State of Texas.

Entered this 11th day of September, 2012.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed July 9, 2012.

Re: , Permanent Registered Nurse License Number 0
& Permanent Vocational Nurse License Number 200250
Issued to MICHAEL JERROD DAREING
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 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):

Michael Jerrod Dareing
2001 Slayden #118
Brownwood, TX 76801



BY:

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

In the Matter of, § BEFORE THE TEXAS
 Permanent License Number 200250 §
 Issued to MICHAEL JERROD DAREING, §
 Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL JERROD DAREING, is a Vocational Nurse holding License Number 200250, 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 February 1, 2012 through February 16, 2012, while employed as a Licensed Vocational Nurse with Warm Springs Specialty Hospital, New Braunfels, Texas, Respondent withdrew Morphine, Hydrocodone (Norco), Ativan and Dilaudid from the Medication Dispensing System for patients in excess dosage/frequency of the physician's orders, as follows:

Date	Patient	Order	Narcotic Log	MAR	Notes	Waste
2/16/12	2101	Ativan 0.5mg IV PRN TID	2mg Ativan @ 1002	2mg Ativan @ 1844	None	None
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 13:52:13	None	1330 Dilaudid given per order	1.5mg @ 13:52:07
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 1009	0.5mg @ 1105	None	1.5mg @ 1105
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain. Dilaudid discontinued @ 1240	2mg Dilaudid @ 1105	0.5mg @ 1515 Dilaudid DC'd @ 1240	None	None
2/2/12	2068	Morphine 4mg IV PRN q2h pain	5mg Morphine @ 1528	None	1500- no c/o or needs	None
2/3/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1801	0.5mg Dilaudid @ 1840	None	None
2/4/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 15:46:49	None	None	3.5mg @ 15:46:45
2/4/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1819	0.5mg Dilaudid @ 1850	None	None
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0722	0.5mg Dilaudid @ 0800	None	None
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0913	None	None	3.5mg @ 1129

2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 13:11:27	None	None	3.5mg @ 1422
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 0955	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1635	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1754	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1915	None	None	None

Respondent's conduct was likely to injure the patients in that the administration of medications 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(I)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(10)(E)&(11)(B).

CHARGE II.

On or about February 1, 2012 through February 16, 2012, while employed as a Licensed Vocational Nurse with Warm Springs Specialty Hospital, New Braunfels, Texas, Respondent withdrew Morphine, Hydrocodone (Norco), Ambien and Dilaudid from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or Nurse's Notes, as follows:

Date	Patient	Physician's Order	Narcotic Log	MAR	Notes	Waste
2/16/12	2101	Ativan 0.5mg IV PRN TID	2mg Ativan @ 1002	2mg Ativan @ 1844	None	None
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 13:52:13	None	1330 Dilaudid given per order	1.5mg @ 13:52:07
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 1009	0.5mg @ 1105	None	1.5mg @ 1105
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain, Dilaudid discontinued @ 1240	2mg Dilaudid @ 1105	0.5mg @ 1515 Dilaudid DC'd @ 1240	None	None
2/2/12	2068	Morphine 4mg IV PRN q2h pain	5mg Morphine @ 1528	None	1500- no c/o or needs	None
2/3/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1801	0.5mg Dilaudid @ 1840	None	None
2/4/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 15:46:49	None	None	3.5mg @ 15:46:45

2/4/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1819	0.5mg Dilaudid @ 1850	None	None
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0722	0.5mg Dilaudid @ 0800	None	None
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0913	None	None	3.5mg @ 1129
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 13:11:27	None	None	3.5mg @ 1422
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 0955	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1635	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1754	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1915	None	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her 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)&(D), and 217.12(4)&(11)(B).

CHARGE III.

On or about February 1, 2012 through February 16, 2012, while employed as a Licensed Vocational Nurse with Warm Springs Specialty Hospital, New Braunfels, Texas, Respondent withdrew Morphine, Hydrocodone, Ativan and Dilaudid from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of the unused portions of the medications, as follows:

Date	Patient	Order	Narcotic Log	MAR	Notes	Waste
2/16/12	2101	Ativan 0.5mg IV PRN TID	2mg Ativan @ 1002	2mg Ativan @ 1844	None	None
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 1105	0.5mg @ 1515 Dilaudid DC'd @ 1240	None	None
2/2/12	2068	Morphine 4mg IV PRN q2h pain	5mg Morphine	None	1500- no c/o or	None

			@ 1528		needs	
2/3/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1801	0.5mg Dilaudid @ 1840	None	None
2/4/12	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1819	0.5mg Dilaudid @ 1850	None	None
2/6/09	2069	Dilaudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0722	0.5mg Dilaudid @ 0800	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 0955	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @1635	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1754	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1915	None	None	None

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) and 217.12(4),(10)(C)&(11)(B).

CHARGE IV.

On or about February 1, 2012 through February 16, 2012, while employed as a Licensed Vocational Nurse with Warm Springs Specialty Hospital, New Braunfels, Texas, Respondent misappropriated Morphine, Norco, Ativan and Dilaudid from the facility and patients thereof, or failed to take the precautions to prevent such misappropriation, as follows:

Date	Patient	Order	Narcotic Log	MAR	Notes	Waste
2/16/12	2101	Ativan 0.5mg IV PRN TID	2mg Ativan @ 1002	2mg Ativan @ 1844	None	None
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 13:52:13	None	1330 Dilaudid given per order	1.5mg @ 13:52:07
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 1009	0.5mg @ 1105	None	1.5mg @ 1105
2/16/12	2101	Dilaudid 0.5mg IV q4h PRN pain	2mg Dilaudid @ 1105	0.5mg @ 1515 Dilaudid DC'd @ 1240	None	None
2/2/12	2068	Morphine 4mg IV PRN q2h pain	5mg Morphine	None	1500- no c/o or	None

			@ 1528		needs	
2/3/12	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1801	0.5mg Dilaudid @ 1840	None	None
2/4/12	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 15:46:49	None	None	3.5mg @ 15:46:45
2/4/12	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 1819	0.5mg Dilaudid @ 1850	None	None
2/6/09	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0722	0.5mg Dilaudid @ 0800	None	None
2/6/09	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 0913	None	None	3.5mg @ 1129
2/6/09	2069	Dialudid 0.5mg IV q4h PRN	4mg Dilaudid @ 13:11:27	None	None	3.5mg @ 1422
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 0955	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @1635	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1754	None	None	None
2/6/09	2069	Hydrocodone/APAP 10/325mg 2 tabs q6h PRN	2 tabs Norco 10mg @ 1915	None	None	None

Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4), (6)(G), (8), (10)(E) & (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).

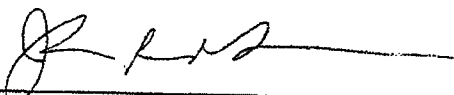
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, 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.

Filed this 9 day of July, 2012.

TEXAS BOARD OF NURSING



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