

IN THE MATTER OF  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 229144  
ISSUED TO  
HEATH PATRICK OBRIEN

§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



*Patricia R. 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: HEATH PATRICK OBRIEN  
4609 KIOWA  
MIDLAND, TX 79703

1926 MINTER LANE  
ABILENE, TX 79603

During open meeting held in Austin, Texas, on Tuesday, February 12, 2013, 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 229144, previously issued to HEATH PATRICK O BRIEN, 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 12 day of February, 2013.

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 December 5, 2012.

Re: Permanent Vocational Nurse License Number 229144  
Issued to HEATH PATRICK OBRIEN  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

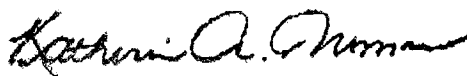
I hereby certify that on the 5 day of February, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

HEATH PATRICK OBRIEN  
4609 KIOWA  
MIDLAND, TX 79703

1926 MINTER LANE  
ABILENE, TX 79603

BY:



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

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Vocational Nurse</b>	§	
<b>License Number 229144</b>	§	
<b>Issued to HEATH PATRICK OBRIEN,</b>	§	
<b>Respondent</b>	§	<b>BOARD OF NURSING</b>

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, HEATH PATRICK OBRIEN, is a Vocational Nurse holding License Number 229144, 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 January 20, 2012, while employed as a Licensed Vocational Nurse with Texas PRN Staffing, Odessa, Texas, and assigned to Odessa Regional Medical Center, Odessa, Texas, Respondent withdrew Morphine from the medication dispensing system for patients without a valid physicians' order, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
1201800198	01/20/2012	729P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/20/2012	914P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/20/2012	1112P	Morphine 5mg Vial (1)	None	None	None	None

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

**CHARGE II.**

On or about January 19, 2012, through February 3, 2012, while employed as a Licensed Vocational Nurse with Texas PRN Staffing, Odessa, Texas, and assigned to Odessa Regional Medical Center, Odessa, Texas, Respondent withdrew Morphine, Lorazepam, Meperidine, 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, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
1201900024	01/19/2012	1007P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	319A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	537A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	1228A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201800198	01/20/2012	729P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/20/2012	914P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/20/2012	1112P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/21/2012	356A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	410A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	428A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	703A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1131900095	01/22/2012	255A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/28/2012	739P	Hydromorphone 2mg Inj (1)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/28/2012	754P	Hydromorphone 2mg Inj (1)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/28/2012	1014P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/28/2012	1100P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	159A	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	422A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H

1131900095	01/29/2012	603A	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	657A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/29/2012	1252A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	02/03/2012	728P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	02/03/2012	1118P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	02/03/2012	1118P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H

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),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

### CHARGE III.

On or about January 19, 2012, through February 3, 2012, while employed as a Licensed Vocational Nurse with Texas PRN Staffing, Odessa, Texas, and assigned to Odessa Regional Medical Center, Odessa, Texas, Respondent withdrew Morphine, Lorazepam, Meperidine, and Hydromorphone 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, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
1201900024	01/19/2012	1007P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	319A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	537A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201900024	01/20/2012	1228A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H PRN for Pain
1201800198	01/20/2012	729P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/20/2012	914P	Morphine 5mg Vial (1)	None	None	None	None

1201800198	01/20/2012	1112P	Morphine 5mg Vial (1)	None	None	None	None
1201800198	01/21/2012	356A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	410A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	428A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1201800198	01/21/2012	703A	Morphine 5mg Vial (1)	None	None	None	Morphine 2mg IV PRN Q10min Max dose 8mg HR PRN chest pain
1131900095	01/22/2012	255A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/28/2012	739P	Hydromorphone 2mg Inj (1)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/28/2012	754P	Hydromorphone 2mg Inj (1)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/28/2012	1014P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/28/2012	1100P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	159A	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	422A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/29/2012	603A	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	01/29/2012	657A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	01/29/2012	1252A	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H
1131900095	02/03/2012	728P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	02/03/2012	1118P	Hydromorphone 2mg Inj (2)	None	None	None	Hydromorphone 4mg IV PRN Q3H
1131900095	02/03/2012	1118P	Meperidine 50mg Inj (1)	None	None	None	Meperidine 50mg IV PRN Q3H

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 IV.

On or about January 20, 2012, through February 3, 2012, while employed as a Licensed Vocational Nurse with Texas PRN Staffing, Odessa, Texas, and assigned to Odessa Regional Medical Center, Odessa, Texas, Respondent misappropriated Morphine, Lorazepam, Meperidine, and Hydromorphone belonging to 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 V.

On or about January 20, 2012, through February 3, 2012, while employed as a Licensed Vocational Nurse with Texas PRN Staffing, Odessa, Texas, and assigned to Odessa Regional Medical Center, Odessa, Texas, Respondent engaged in the intemperate use of Opiates in that he 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 VI.

On or about February 23, 2012, through February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent withdrew Demerol from the medication dispensing system for Patient Medical Record Number 006853 without valid physicians' orders, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
006853	02/23/2012	Unable to read	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2015	Demerol 50mg (2)	None	None	None	None
006853	02/23/2012	2200	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 25mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0130	Demerol 25mg (1)	None	None	None	None



006853	02/24/2012	0130	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0430	Demerol 50mg (1)	None	None	None	None
006853	02/24/2012	0530	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0530	Demerol 75mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient in that the administration of Demerol 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), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

#### CHARGE VII.

On or about February 23, 2012, through February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent withdrew Demerol from the medication dispensing system for Patient Medical Record Number 006853, 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, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
006853	02/23/2012	Unable to read	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2015	Demerol 50mg (2)	None	None	None	None
006853	02/23/2012	2200	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 25mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0130	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0130	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0430	Demerol 50mg (1)	None	None	None	None

006853	02/24/2012	0530	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0530	Demerol 75mg (1)	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),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(10)(B).

### CHARGE VIII.

On or about February 23, 2012, through February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent withdrew Demerol from the medication dispensing system for Patient Medical Record Number 006853, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

<u>Patient</u>	<u>Date</u>	<u>Time</u>	<u>Medication</u>	<u>MAR</u>	<u>Nurses Notes</u>	<u>Waste</u>	<u>Order</u>
006853	02/23/2012	Unable to read	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2015	Demerol 50mg (2)	None	None	None	None
006853	02/23/2012	2200	Demerol 50mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 25mg (1)	None	None	None	None
006853	02/23/2012	2330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0130	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0130	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0230	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0330	Demerol 75mg (1)	None	None	None	None
006853	02/24/2012	0430	Demerol 50mg (1)	None	None	None	None
006853	02/24/2012	0530	Demerol 25mg (1)	None	None	None	None
006853	02/24/2012	0530	Demerol 75mg (1)	None	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),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

### **CHARGE IX.**

On or about February 23, 2012, through February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent misappropriated Demerol belonging to 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 X.**

On or about February 23, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent falsified a verbal order for Demerol for Patient Medical Record Number 006853. Respondent's conduct was likely to injure the patient in that the administration of Demerol 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), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4),(6)(A)&(10)(B).

### **CHARGE XI.**

On or about February 23, 2012, through February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent made unintelligible entries on patients' the Medication Dispensing Record regarding the administration of controlled substances. 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), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4)&(10)(B).

### **CHARGE XII.**

On or about February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent lacked fitness to practice nursing in that he showed signs of impaired behavior to include: sluggish and slow movements, very red in the face, and he was found sleeping in a vacant patient room while on duty. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her 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 XIII.

On or about February 24, 2012, while employed as a Licensed Vocational Nurse with Texas Rag Doll Nursing Agency, Big Spring, Texas, and assigned to Seminole Memorial Hospital, Seminole, Texas, Respondent engaged in the intemperate use of Meperidine in that he submitted a specimen for a drug screen that produced a positive result for Meperidine (>30000 ng/mL). Unlawful possession of Meperidine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Meperidine 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).

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).

BALANCE OF PAGE LEFT BLANK INTENTIONALLY

CONTINUED ON NEXT PAGE

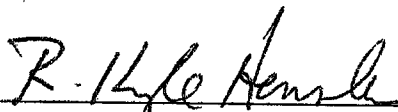
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies 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 5<sup>th</sup> day of December, 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

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401