

In the Matter of  
Permanent Vocational Nurse  
License Number 221862  
Issued to CHRISTOPHER RHYNE ORAND,  
Respondent

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§

BEFORE 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. Plummer*  
Executive Director of the Board

**ORDER OF TEMPORARY SUSPENSION**

TO: CHRISTOPHER RHYNE ORAND  
265 SOUTH BEND ROAD  
TEXARKANA, TX 75501

A public meeting of the Texas Board of Nursing was held on November 5, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 221862, issued to CHRISTOPHER RHYNE ORAND was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of CHRISTOPHER RHYNE ORAND and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about July 2, 2013, while employed with Texarkana Nursing and Healthcare Center, Texarkana, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen that resulted positive for Tramadol. Possession of Tramadol, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Tramadol 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 patient's 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.

On or about July 2, 2013, while employed with Texarkana Nursing and Healthcare Center, Texarkana, Texas, Respondent engaged in the intemperate use of alcohol in that he admitted he had been using alcohol. The use of alcohol 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 patient's 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.

On or about July 2, 2013, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on October 10, 2012. Respondent's non-compliance is the result of his failure to comply with Stipulation Number Three (3) of the Order, dated October 10, 2012, which reads:

" (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

On or about July 16, 2013, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN) and was referred back to the Board.

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by CHRISTOPHER RHYNE ORAND constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 221862, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 221862,, issued to CHRISTOPHER RHYNE ORAND, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 5<sup>th</sup> day of November, 2013.

TEXAS BOARD OF NURSING



BY:

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KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

D4551-12/06/2012

**In the Matter of** § **BEFORE THE TEXAS**  
**Permanent Vocational Nurse** §  
**License Number 221862** §  
**Issued to CHRISTOPHER RHYNE ORAND,** §  
**Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHRISTOPHER RHYNE ORAND, is a Vocational Nurse holding License Number 221862, 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 July 2, 2013, while employed with Texarkana Nursing and Healthcare Center, Texarkana, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen that resulted positive for Tramadol. Possession of Tramadol, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Tramadol 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 patient's 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(4),(5),(10)(A)&(11)(B).

#### **CHARGE II**

On or about July 2, 2013, while employed with Texarkana Nursing and Healthcare Center, Texarkana, Texas, Respondent engaged in the intemperate use of alcohol in that he admitted he had been using alcohol. The use of alcohol 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 patient's 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(4),(5),(10)(A)&(10)(D).

### CHARGE III

On or about July 2, 2013, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on October 10, 2012. Respondent's non-compliance is the result of his failure to comply with Stipulation Number Three (3) of the Order, dated October 10, 2012, which reads:

" (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(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](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 for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, 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).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated October 10, 2012.

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Filed this 5<sup>TH</sup> day of November, 2013.

TEXAS BOARD OF NURSING



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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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TEXAS BOARD OF NURSING  
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Austin, Texas 78701  
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Attachments: Order of the Board dated October 10, 2012

D/2012.06.19



accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Vocational Nurse License Number 221862 §  
issued to CHRISTOPHER RHYNE ORAND § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHRISTOPHER RHYNE ORAND, Vocational Nurse License Number 221862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13)and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 16, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Texarkana Community College, Texarkana, Texas, on February 20, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on May 21, 2009.

5. Respondent's vocational nursing employment history includes:

02/2009 - 11/2009	LVN	HealthSouth Rehabilitation Hospital of Texarkana Texarkana, Texas
03/2009 - 02/2010	LVN	Edgewood Manor Nursing and Rehabilitation Home Texarkana, Texas
11/2009 - Unknown	LVN	Wadley Regional Medical Center Texarkana, Texas
05/2011 - Present	LVN	Christus St. Michael Hospital Texarkana, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with HealthSouth Rehabilitation Hospital of Texarkana, Texarkana, Texas, and had been in this position for approximately nine (9) months.

7. On or about November 8, 2009 through November 17, 2009, while employed as a Licensed Vocational Nurse with HealthSouth Rehabilitation Hospital of Texarkana, Texarkana, Texas, Respondent withdrew Hydrocodone from the MedDispense Station medication dispensing system, for Patient Medical Record Numbers 18208, 12525, and 19651, but failed to document or accurately document the administration of the medication in the patients' Medication Administration Records and/or nurse's notes, as follows:

Date/ Time	Patient	Medication	Physician's Order	MAR	Nurses Notes	Wastage
11/08/2009 7:10PM	18208	Hydrocodone/APAP 10/325 10 tab (2)	Hydrocodone/APAP 10/325 tab po prn q 4hrs 1 for mild/moderate pain 2 for severe pain	1900 (2)	None	None
11/14/2009 9:49PM	12525	Hydrocodone/APAP 7.5m tab (2)	Lortab 7.5/325mg q 4hrs prn 1-2 tabs	2145 (2)	None	None
11/17/2009 12:03AM	19651	Hydrocodone/APAP 10/325 10 tab (2)	Hydrocodone/APAP 10/325 tab po prn q 4hrs 1 for mild/moderate pain 2 for severe pain	0005 (2)	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.



8. On or about November 16, 2009, and November 17, 2009, while employed as a Licensed Vocational Nurse with HealthSouth Rehabilitation Hospital of Texarkana, Texarkana, Texas, Respondent withdrew Demerol from the MedDispense Station medication dispensing system, for Patient Medical Record Number 18868, but failed to document or accurately document the administration of the medication in the Medication Administration Record (MAR) and/or Nurse's Notes, as follows:

Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
11/16/2009 8:40:09PM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	None	None	08:40:06PM 25
11/16/2009 10:14:45PM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	2214 25mg	None	10:17:59PM 25
11/17/2009 12:14:51AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	0020 25mg	None	12:22:45AM 25
11/17/2009 2:13:03AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	0215 25mg	None	2:15:34AM 25
11/17/2009 4:00:53AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	None	None	4:03:52AM 25

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.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: "I never withdrew Hydrocodone for any patient without administering all the medication I withdrew from the Med-Dispense med station..."
10. On or about November 16, 2009, and November 17, 2009, while employed as a Licensed Vocational Nurse with HealthSouth Rehabilitation Hospital of Texarkana, Texarkana, Texas, Respondent withdrew Demerol from the MedDispense Station medication dispensing system, for Patient Medical Record Number 18868, in excess frequency/dosage of the physician's orders, as follows:

Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
11/16/2009 6:44:24PM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	1845 25mg	Late entry Demerol given 25mg; pt tol well	6:44:14PM 25 Dosage more than required
11/16/2009 8:40:09PM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	None	None	08:40:06PM 25 Dosage more than required
11/16/2009 10:14:45PM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	2214 25mg	None	10:17:59PM 25 Dosage more than required
11/17/2009 12:14:51AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	0020 25mg	None	12:22:45AM 25 Dosage more than required

Date/Time	Patient	Medication	Physician's Order	MAR	Nurse's Notes	Wastage
11/17/2009 2:13:03AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	0215 25mg	None	2:15:34AM 25 Dosage more than required
11/17/2009 4:00:53AM	18868	Meperidine HCl 50mg inj (1)	Demerol 25mg-50mg IV q 4hrs prn pain	None	None	4:03:52AM 25 Dosage more than required

Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

11. In response to Finding of Fact Number Ten (10), Respondent states: On November 17, 2009, there was an occasion where another nurse had been working the day shift and stated "there was one particular patient who had an order for Demerol 25 to 50mg every four hours." In addition, the other nurse states "I had been giving 25mg of Demerol every 2 hours because if you half the dose, then you can half the time." I administered 25mg of Demerol every 2 hours, on approximately 4 different occasions the night shift I worked. When I came in the following night for work, I was told to report to Administration for a conference. It was discussed that the other nurse had removed an excess amount of Demerol. HealthSouth placed me on Administrative Leave for "failure to assess/reassess a patient's pain score accurately." I offered to take a drug screen immediately; however, Administration informed me it would not be necessary at this time.
12. On or about June 2012, while employed as a Licensed Vocational Nurse with Christus St. Michael Hospital, Texarkana, Texas, Respondent admitted that he had been misappropriating narcotics belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications
13. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4), (6)(G),(8)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 221862, heretofore issued to CHRISTOPHER RHYNE ORAND, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

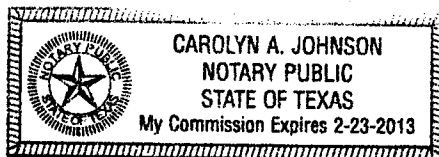
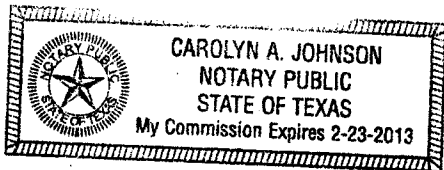
Signed this 3rd day of October, 2012.

*Christopher Rhyme Orand*  
CHRISTOPHER RHYNE ORAND, RESPONDENT

Sworn to and subscribed before me this 3rd day of October, 2012.

SEAL

*Carolyn Johnson*  
Notary Public in and for the State of 2/23/13



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 3rd day of October, 2012, by CHRISTOPHER RHYNE ORAND, Vocational Nurse License Number 221862, and said Order is final.

Entered and effective this 10th day of October, 2012.

*Katherine A. Thomas*

Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

