



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 821943	§	
& Vocational Nurse License Number 303143	§	
issued to NICHOLAS CARLOS AYCOCK	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NICHOLAS CARLOS AYCOCK, Registered Nurse License Number 821943 and Vocational Nurse License Number 303143, 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)(2),(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 31, 2015.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Navarro College, Corsicana, Texas. Respondent was licensed to practice vocational nursing in the State of Texas on September 27, 2011. Respondent received an Associate Degree in Nursing from Navarro College, Corsicana, Texas, on May 12, 2012. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 2012.

5. Respondent's nursing employment history includes:

9/11 - 12/11	LVN	Crestview Court Cedar Hill, Texas
1/12 - 6/12	LVN	Lancaster Nursing and Rehabilitation Lancaster, Texas
6/12 - 12/13	RN	Red Oak Health and Rehabilitation Red Oak, Texas
1/14 - 6/14	RN	Lancaster Nursing and Rehabilitation Lancaster, Texas
6/14 - 11/14	RN	Crestview Court Cedar Hill, Texas
1/15 - 5/15	RN	Walnut Hill Medical Center Dallas, Texas
7/15 - Present	RN	Advanced Healthcare of Garland Garland, Texas.

6. At the time of the initial incident, Respondent was employed as a registered nurse with Red Oak Health and Rehabilitation, Red Oak, Texas, and had been in that position for one (1) month.

7. On or about June 6, 2012, Respondent submitted a Texas online examination application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question:

"For any criminal offense, including those pending appeal, have you:

been arrested or have any pending criminal charges?"

Respondent failed to disclose that on or about May 24, 2012, he was arrested by the Desoto Police Department, Desoto, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

8. On or about May 16, 2015, while employed as a registered nurse with Walnut Hill Medical Center, Dallas, Texas, Respondent removed Morphine and Dilaudid from the medication dispensing system for three (3) patients but failed to document and/or completely and

accurately document the administration of the medications in the patients' Medication Administration Records (MAR). Respondent's conduct was likely to injure the patients in that subsequent care-givers would rely on her documentation to further medicate the patient which could result in an overdose, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about May 16, 2015, while employed as a registered nurse with Walnut Hill Medical Center, Dallas, Texas, Respondent removed Morphine and Dilaudid from the medication dispensing system for three (3) patients but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about May 16, 2015, while employed as a registered nurse with Walnut Hill Medical Center, Dallas, Texas, Respondent misappropriated Morphine and Dilaudid 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.
11. On or about May 29, 2015, Respondent entered a plea of Nolo Contendere and was convicted for the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on May 24, 2012, in the County Criminal Court #1, Dallas County, Texas, under Cause No. MB1239686A. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of one hundred eighty (180) days. The imposition of the confinement was suspended, and Respondent was placed on community supervision for a period of twenty (20) months.
12. On or about May 29, 2015, Respondent entered a plea of Nolo Contendere and was convicted for the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on August 18, 2013, in the County Criminal Court #1, Dallas County, Texas, under Cause No. MB1361349A. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of one hundred eighty (180) days. The imposition of the confinement was suspended, and Respondent was placed on community supervision for a period of twenty (20) months.
13. Respondent does not wish to contest any of conduct outlined in Findings of Fact Numbers Seven (7) through Twelve (12). He states that on February 28, 2014, he admitted himself to inpatient treatment for alcohol abuse at Right Step which he completed. Respondent states that he has been alcohol free to this day. However, he admits that on May 16, 2015, he misappropriated narcotic medications while working at Walnut Hill Medical Center. Respondent adds that he is willing to do any programs necessary.

14. Respondent's last known date of sobriety is unknown.
15. 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.
16. 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.
17. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
18. 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 substance use disorder.
19. 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 301.451-301.555, 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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(6)(I),(10)(C),(10)(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 821943 and Vocational Nurse License Number 303143, heretofore issued to NICHOLAS CARLOS AYCOCK, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 821943 and Vocational Nurse License Number 303143, previously issued to NICHOLAS CARLOS AYCOCK, to practice nursing in Texas

are hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such a time as is required for RESPONDENT to successfully complete the TPAPN AND until Respondent fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. 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.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- H. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the suspension being stayed:**

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. MONETARY FINE

~~RESPONDENT SHALL~~ pay a monetary fine in the amount of two hundred fifty (\$250.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VI. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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ATTN: PAUL
LONGORIA

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 entry of this Order and all conditions of said 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.

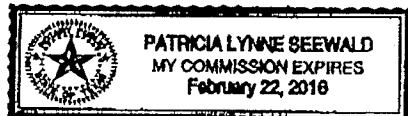
Signed this 30th day of December, 2015.

Nicholas Carlos Aycock
NICHOLAS CARLOS AYCOCK, Respondent

Sworn to and subscribed before me this 30th day of December, 2015.

SEAL

Patricia Lynne Seewald
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 30th day of December, 20 15, by NICHOLAS CARLOS AYCOCK, Registered Nurse License Number 821943 and Vocational Nurse License Number 303143, and said Order is final.

Effective this 4th day of January, 20 16.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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