



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Stephanie P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 316947
ISSUED TO
SCOTT ANDREW EVERETT,
RESPONDENT

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BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Scott Andrew Everett
8514 Watch Tower Rd
San Antonio, Texas 78254

During open meeting held in Austin, Texas, on **Tuesday, November 8, 2016**, 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 316947, previously issued to SCOTT ANDREW EVERETT, 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 8th day of November, 2016.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed August 15, 2016.

Re: Permanent Vocational Nurse License Number 316947
Issued to SCOTT ANDREW EVERETT
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2016, 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

Scott Andrew Everett
8514 Watch Tower Rd
San Antonio, Texas 78254

BY:



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

**In the Matter of
Permanent Vocational Nurse
License Number 316947
Issued to SCOTT ANDREW EVERETT,
Respondent**

§ **BEFORE THE TEXAS**
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§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SCOTT ANDREW EVERETT, is a Vocational Nurse holding License Number 316947, 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 September 19, 2015, through November 27, 2015, while employed as a Licensed Vocational Nurse with Mentis Neuro Rehabilitation, San Antonio, Texas, Respondent signed out Norco, Xanax, Tylenol #4, and Dilaudid for patients but failed to document and/or accurately and completely document the administration of the medication in the residents' Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	MAR	Nurse's Notes
09/19/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/19/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/19/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/20/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/20/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/20/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/25/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/25/15	1500	700 RF	Norco 10/325mg tab (1)	None	None
09/25/15	1500	700 RF	Norco 10/325mg tab (1)	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	MAR	Nurse's Notes
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
09/26/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/26/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/27/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
09/27/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/02/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/02/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/02/15	0700	700 RF	Xanax 1mg tablet (1)	None	None
10/02/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/02/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/03/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/03/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/03/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/03/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/04/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/04/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/04/15	1200	700 RF	Norco 10/325mg tab (1)	None	None
10/04/15	1200	700 RF	Norco 10/325mg tab (1)	None	None
10/08/15	0700	700 RF	Norco 10/325mg tab (1)	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	MAR	Nurse's Notes
10/08/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/08/15	1200	700 RF	Norco 10/325mg tab (1)	None	None
10/08/15	1200	700 RF	Norco 10/325mg tab (1)	None	None
10/09/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/09/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/09/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/09/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/10/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/10/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/10/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/11/15	1400	700 RF	Norco 10/325mg tab (1)	None	None
10/16/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
10/16/15	1800	699 SB	Tylenol #4 tablet (1)	None	None
10/17/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
10/18/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
10/31/15	0600	699 SB	Tylenol #4 tablet (1)	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	MAR	Nurse's Notes
10/31/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
10/31/15	1800	699 SB	Tylenol #4 tablet (1)	None	None
11/01/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
11/01/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
11/06/15	0700	700 RF	Xanax 1mg tablet (1)	None	None
11/06/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
11/06/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
11/06/15	1800	699 SB	Tylenol #4 tablet (1)	None	None
11/07/15	0700	700 RF	Xanax 1mg (1)	None	None
11/07/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
11/07/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
11/08/15	0700	699 SB	Tylenol #4 tablet (1)	None	None
11/08/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
11/13/15	0600	699 SB	Tylenol #4 tablet (1)	None	None
11/13/15	1000	699 SB	Tylenol #4 tablet (1)	None	None
11/13/15	1400	699 SB	Tylenol #4 tablet (1)	None	None
11/13/15	1630	700 RF	Xanax 1mg (1)	None	None
11/14/15	1200	699 SB	Tylenol #4 tablet (1)	None	None
11/15/15	0600	699 SB	Tylenol #4 tablet (1)	None	None
11/15/15	1000	699 SB	Tylenol #4 tablet (1)	None	None
11/15/15	1400	699 SB	Tylenol #4 tablet (1)	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order
11/20/15	0600	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/20/15	0600	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/20/15	1500	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/20/15	1500	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/21/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/21/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/21/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/21/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/21/15	1800	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/27/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/27/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/27/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	None
11/27/15	1800	710 TD	Hydromorphone 2mg tablet (1)	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 patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

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)&(1)(D) and 217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

CHARGE II.

On or about September 19, 2015, through November 27, 2015, while employed as a Licensed Vocational Nurse with Mentis Neuro Rehabilitation, San Antonio, Texas, Respondent signed out Norco, Xanax, Tylenol #4, and Dilaudid for patients but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
09/19/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/19/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/19/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/20/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/20/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/20/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/25/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/25/15	1500	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/25/15	1500	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/26/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/26/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/26/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/27/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
09/27/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/02/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/02/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/02/15	0700	700 RF	Xanax 1mg tablet (1)	None	Xanax 1mg 1 tab TID PRN	None	None
10/02/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/02/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
10/03/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/03/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/03/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/03/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/04/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/04/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/04/15	1200	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/04/15	1200	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/08/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/08/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/08/15	1200	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/08/15	1200	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/09/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/09/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/09/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/09/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/10/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/10/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/10/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/11/15	0700	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/11/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/11/15	1400	700 RF	Norco 10/325mg tab (1)	None	Norco 10/325mg 1-2 tabs tid prn pain	None	None
10/16/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/16/15	1800	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/17/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/18/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/31/15	0600	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/31/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
10/31/15	1800	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/01/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/01/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/06/15	0700	700 RF	Xanax 1mg tablet (1)	None	Xanax 1mg TID PRN	None	None
11/06/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/06/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/06/15	1800	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/07/15	0700	700 RF	Xanax 1mg (1)	None	Xanax 1mg TID PRN	None	None
11/07/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/07/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/08/15	0700	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
11/08/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/13/15	0600	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/13/15	1000	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/13/15	1400	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/13/15	1630	700 RF	Xanax 1mg (1)	None	Xanax 1mg TID PRN	None	None
11/14/15	1200	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/15/15	0600	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/15/15	1000	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/15/15	1400	699 SB	Tylenol #4 tablet (1)	None	Tylenol #4 1 tab po q6h prn pain	None	None
11/20/15	0600	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/20/15	0600	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/20/15	1500	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/20/15	1500	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/21/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/21/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/21/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/21/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/21/15	1800	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/27/15	1000	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/27/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
11/27/15	1400	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None
11/27/15	1800	710 TD	Hydromorphone 2mg tablet (1)	None	Hydromorphone 1-2 tablets po q4h prn pain	None	None

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.

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 217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE III.

On or about September 19, 2015, through November 27, 2015, while employed as a Licensed Vocational Nurse with Mentis Neuro Rehabilitation, San Antonio, Texas, Respondent misappropriated forty-five (45) tablets of Norco 10/325mg and four (4) tablets of Xanax 1mg from Patient Medical Record Number 700, twenty-three (23) tablets of Tylenol #4 from Patient Medical Record Number 699, and thirteen (13) tablets of Hydromorphone 2mg from Patient Medical Record Number 710, 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 thereof 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),(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 policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of 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, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 15th day of August, 2016.

TEXAS BOARD OF NURSING



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