



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
VOCATIONAL NURSE  
LICENSE NUMBER 317149  
ISSUED TO  
MICHELLE JANE BEY,  
RESPONDENT

§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: MICHELLE JANE BEY  
4124 KINGS FERRY DRIVE  
ARLINGTON, TX 76016

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 317149, previously issued to MICHELLE JANE BEY, 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 3, 2016.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 317149  
Issued to MICHELLE JANE BEY  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10 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

MICHELLE JANE BEY  
4124 KINGS FERRY DRIVE  
ARLINGTON, TX 76016

Via USPS First Class Mail

MICHELLE JANE BEY  
PO BOX 34  
CLARA CITY, MN 56222-0034

MICHELLE JANE BEY  
1600 RICHLAND AVE SW  
WILLMAR, MN 56201-5085

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 317149</b>	§	
<b>Issued to MICHELLE JANE BEY,</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, MICHELLE JANE BEY, is a Vocational Nurse holding License Number 317149, 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 December 16, 2015, while employed as a Licensed Vocational Nurse with Ethicus Hospital, Grapevine, Texas, Respondent falsely documented in the patient's Medication Administration Record (MAR) that she had administered Hydromorphone to Patient Medical Record Number 600003177, when there were no medication withdrawals from the Medication Dispensing System associated with this time or date of administration, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Orders	MAR	Nurses' Notes
12/16/15	None	600003177	None	None	Dilaudid 2mg/ml IV Q2H PRN	Dilaudid 2mg @ 15:30	Given prior to wound care tx

Respondent's conduct created an inaccurate medical record and failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.

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 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).

**CHARGE II.**

On or about December 16, 2015, through December 23, 2015, while employed as a Licensed Vocational Nurse with Ethicus Hospital, Grapevine, Texas, Respondent withdrew Hydromorphone from the medication dispensing system for a patient, but failed to document, and/or completely and accurately document, the administration of the medications in the patient's Medication Administration Record (MAR) and/or nurses' notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Physician's Orders	MAR	Nurses' Notes
12/16/15	17:14	600003177	Hydromorphone 2mg/ml (1 vial)	Dilaudid 2mg/ml IV Q2H PRN	None	None
12/18/15	17:41	600003177	Hydromorphone 2mg/ml (1 vial)	Dilaudid 2mg/ml IV Q2H PRN	None	None
12/23/15	08:13	600003177	Hydromorphone 2mg/ml (1 vial)	Dilaudid 2mg/ml IV Q2H PRN	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient, 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 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

### CHARGE III.

On or about December 16, 2015, through December 23, 2015, while employed as a Licensed Vocational Nurse with Ethicus Hospital, Grapevine, Texas, Respondent withdrew Hydromorphone from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Orders	MAR	Nurses' Notes
12/16/15	12:34	600003138	Hydromorphone 2mg/ml (1 vial)	None	Dilaudid 1mg Inj Q4H PRN	Dilaudid 1mg @ 12:41	Severe Pain 7-10
12/16/15	17:14	600003177	Hydromorphone 2mg/ml (1 vial)	None	Dilaudid 2mg/ml IV Q2H PRN	None	None
12/16/15	18:21	600003138	Hydromorphone 2mg/ml (1 vial)	None	Dilaudid 1mg Inj Q4H PRN	Dilaudid 1mg @ 18:44	Severe Pain 7-10 Given prior to foley change per request
12/18/15	17:41	600003177	Hydromorphone 2mg/ml (1 vial)	1mg	Dilaudid 2mg/ml IV Q2H PRN	None	None
12/23/15	08:13	600003177	Hydromorphone 2mg/ml (1 vial)	1mg	Dilaudid 2mg/ml IV Q2H PRN	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 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

#### CHARGE IV.

On or about December 16, 2015, and December 23, 2015, while employed as a Licensed Vocational Nurse with Ethicus Hospital, Grapevine, Texas, Respondent misappropriated two (2) vials Hydromorphone 2mg from Patient Medical Record Number 600003138, and three (3) vials of Hydromorphone 2mg from Patient Medical Record Number 600003177, 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)(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 and TEX. OCC. CODE Ch. 53. 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 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](http://www.bon.texas.gov).

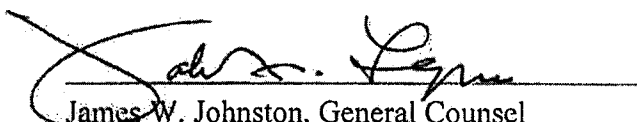
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

Filed this 3rd day of August, 2016.

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

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

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

Jessica Lance, Assistant General Counsel  
State Bar No. 24091434

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

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401