



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. Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 671190 §
& Vocational Nurse License Number 172733 §
issued to JOHN RAYBURN BELL § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that JOHN RAYBURN BELL, Registered Nurse License Number 671190 and Vocational Nurse License Number 172733, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on November 15, 2016, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by David Olesky, Attorney at Law.

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 delinquent 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 Paris Junior College-Trade, Paris, Texas on July 7, 1999, and received an Associate Degree in Nursing from Paris Junior College, Paris, Texas on May 1, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on September 2, 1999, and was licensed to practice professional nursing in the State of Texas on July 25, 2000.

5. Respondent's nursing employment history includes:

2/1999 - 12/1999	Unknown	
1/2000 - 8/2013	Registered Nurse	Paris Regional Medical Center Paris, Texas
8/2013 - 7/2015	Registered Nurse	Medical City Dallas Hospital Dallas, Texas
8/2015 - 7/2016	Unknown	
8/2016 - Present	Registered Charge Nurse	Paris Regional Medical Center Paris, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Medical City Dallas Hospital, Dallas, Texas, and had been in that position for five (5) months.
7. On or about January 22, 2014, while employed as a Registered Nurse with Medical City Dallas Hospital, Dallas, Texas, Respondent failed to assess the respiratory rate for Patient D.P. and failed to provide necessary and appropriate interventions when the patient experienced a change of condition to hypotensive status, and had a respiratory rate of zero (0) for approximately nineteen (19) minutes. Respondent failed to evaluate the effectiveness of interventions provided, such as oxygen, to the patient. Further, Respondent failed to document the patient's condition, and any conversation between he and the physician in the patient's medical record. The physician did not have complete information regarding the physiological conditions of the patient. Consequently, the patient suffered anoxic brain injury and died. Respondent's conduct likely led to patient demise as the patient did not have a respiratory rate for several minutes and full interventions did not commence during that time. Additionally, Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on his documentation to provide additional care.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states the patient's oxygen saturation levels until right before the code was called were within a normal range and indicated that the patient's heart was circulating blood and the patient was oxygenated notwithstanding the respiration rates as read by the monitor. Respondent states that respiratory rates from this EKG monitor are notoriously inaccurate. Respondent states he appropriately instituted nursing interventions to address the situation, including the administration of four (4) liters of Oxygen by nasal cannula and the administration of a bolus of normal saline. Respondent states the records show that he immediately began to institute these nursing interventions when the patient's blood pressure began to drop. Respondent states it is the role in the cath lab of the monitor technician to document what is transpiring during the procedure. Respondent states he documented interventions provided but not any physician notifications. Respondent states that the physician was promptly notified of the change in the blood pressure by the monitor tech (confirmed by the monitor tech in her letter to the Board). Respondent states that a large monitor showing the vital signs of the patient

was directly in front of the physician during the case. Respondent states interventions were followed as ordered by the physician and the patient was bagged. Respondent states he submitted to the Board letters from a cath lab nurse and cardiologist supporting his care of the patient.

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)(B),(1)(C),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 671190 and Vocational Nurse License Number 172733, heretofore issued to JOHN RAYBURN BELL, 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. 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 effective date of this Order, unless otherwise specifically indicated:**

- A. **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.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of

alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- D. **The course “Sharpening Critical Thinking Skills,”** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five

(5) days of employment as a nurse.

- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

V. **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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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I do not admit to the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this ____ day of _____, 20____.

JOHN RAYBURN BELL, Respondent

Sworn to and subscribed before me this ____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

David Olesky, Attorney for Respondent

Signed this ____ day of _____, 20____.

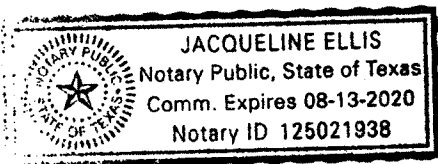
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Signed this 6 day of March, 2017.
John Rayburn Bell
JOHN RAYBURN BELL, Respondent

Sworn to and subscribed before me this 6 day of March, 2017.

SEAL



Jacqueline Ellis
Notary Public in and for the State of TX

Approved as to form and substance.
David Olesky
David Olesky, Attorney for Respondent

Signed this 6th day of March, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of March, 2017, by JOHN RAYBURN BELL, Registered Nurse License Number 671190 and Vocational Nurse License Number 172733, and said Order is final.

Effective this 20th day of April, 2017.



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