



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
REGISTERED NURSE
LICENSE NUMBER 788878
ISSUED TO
JUSTIN KENT BADGETT,
RESPONDENT

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

ORDER OF THE BOARD

TO: JUSTIN KENT BADGETT
3115 STAFFORD DRIVE
DENISON, TX 75020

During open meeting held in Austin, Texas, on Tuesday, June 13, 2017, 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 Registered Nurse License Number 788878, previously issued to JUSTIN KENT BADGETT, to practice nursing in the State of Texas be, and the same is/are 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 13th day of June, 2017.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charges filed April 20, 2017.

d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 788878
Issued to JUSTIN KENT BADGETT
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of June, 2017, 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

JUSTIN KENT BADGETT
3115 STAFFORD DRIVE
DENISON, TX 75020

BY:



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

In the Matter of
 Permanent Registered Nurse
 License Number 788878
 Issued to JUSTIN KENT BADGETT,
 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, JUSTIN KENT BADGETT, is a Registered Nurse holding License Number 788878, 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 February 5, 2015, through February 16, 2015, while employed as a Registered Nurse with Texoma Medical Center, Denison, Texas, Respondent withdrew Hydromorphone and Hydrocodone from the Pyxis Medication Dispensing System for multiple patients, but failed to document, or accurately and completely document, the administration of the Hydromorphone and Hydrocodone, including signs, symptoms, and responses to the medication in the patients' Medication Administration Records and/or nurse's notes, as follows:

Date	Time	Patient	Medication Withdrawn (qty)	Waste	Physician's Order	MAR	Nurses' Notes
02/05/15	1021	21881354	Hydromorphone 2mg/1ml override (1)	1.2mg	Hydromorphone 0.2mg/1ml Q5min prn 4-10 pain	0.2mg at 1111	Pain 5
02/05/15	1224	21925599	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain	0.5mg at 1228	Pain 6
02/05/15	1516	21928924	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 1522 0.2mg at 1543	Pain 7 Pain 6
02/06/15	0933	21930078	Hydromorphone 2mg/1ml (1)	1.5mg	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 0941	Pain 5
02/06/15	1116	21931787	Hydromorphone 2mg/1ml override (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1119	Pain 7

02/09/15	0914	21941208	Hydromorphone 2mg/1ml (1)	1.2mg	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 0921 0.2mg at 0940	Pain 6 Pain 5
02/09/15	1255	21941208	Hydrocodone- APAP 7.5/325 tablet (1)	None	Hydrocodone 7.5mg/325mg tab Q4H prn pain	None	None
02/11/15	1053	21932694	Hydromorphone 2mg/1ml (1)	1.5mg	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	None	None
02/12/15	1819	21852819	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1824	Pain 6
02/16/15	1113	21951454	Hydromorphone 2mg/1ml (1)	1mg	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1155	Pain 8

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 February 5, 2015, through February 16, 2015, while employed as a Registered Nurse with Texoma Medical Center, Denison, Texas, Respondent withdrew Hydromorphone and Hydrocodone from the Pyxis Medication Dispensing System for multiple patients, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (qty)	Waste	Physician's Order	MAR	Nurses' Notes
02/05/15	1021	21881354	Hydromorphone 2mg/1ml override (1)	1.2mg	Hydromorphone 0.2mg/1ml Q5min prn 4-10 pain	0.2mg at 1111	Pain 5
02/05/15	1224	21925599	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain	0.5mg at 1228	Pain 6

02/05/15	1516	21928924	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 1522 0.2mg at 1543	Pain 7 Pain 6
02/06/15	0933	21930078	Hydromorphone 2mg/1ml (1)	1.5mg	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 0941	Pain 5
02/06/15	1116	21931787	Hydromorphone 2mg/1ml override (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1119	Pain 7
02/09/15	0914	21941208	Hydromorphone 2mg/1ml (1)	1.2mg	Hydromorphone 0.2mg/0.1ml IV Q5min prn pain 4-10	0.2mg at 0921 0.2mg at 0940	Pain 6 Pain 5
02/09/15	1255	21941208	Hydrocodone- APAP 7.5/325 tablet (1)	None	Hydrocodone 7.5mg/325mg tab Q4H prn pain	None	None
02/11/15	1053	21932694	Hydromorphone 2mg/1ml (1)	1.5mg	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	None	None
02/12/15	1819	21852819	Hydromorphone 2mg/1ml (1)	None	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1824	Pain 6
02/16/15	1113	21951454	Hydromorphone 2mg/1ml (1)	1mg	Hydromorphone 0.5mg/0.25ml IV Q5min prn pain 4-10	0.5mg at 1155	Pain 8

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 February 5, 2015, through February 16, 2015, while employed as a Registered Nurse with Texoma Medical Center, Denison, Texas, Respondent misappropriated Hydromorphone and Hydrocodone from 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).

CHARGE IV.

On or about March 20, 2015, while employed as a Registered Nurse with Texoma Medical Center, Denison, Texas, Respondent engaged in the intemperate use of Hydrocodone, Hydromorphone, and Oxycodone, in that he produced a hair follicle specimen for a reasonable suspicion drug screen that resulted positive for Hydrocodone, Hydromorphone, and Oxycodone. Unlawful possession of Hydrocodone, Hydromorphone, and Oxycodone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Hydrocodone, Hydromorphone, and Oxycodone by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(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),(5),(10)(A),(10)(D)&(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).

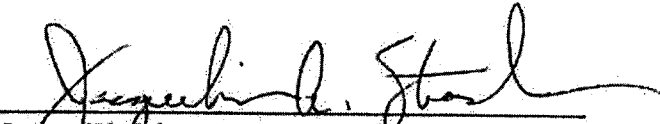
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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 20th day of April, 2017.

TEXAS BOARD OF NURSING



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