



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

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In the Matter of	§	AGREED
Registered Nurse License Number 745792	§	
& Vocational Nurse License Number 202016	§	
issued to ANTHONY BAILEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANTHONY BAILEY, Registered Nurse License Number 745792 and Vocational Nurse License Number 202016, 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)(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 March 26, 2018.

### 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 Lone Star College, Kingwood, Texas, on December 14, 2005, and received an Associate Degree in Nursing from Excelsior College, Albany, New York, on June 22, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on January 3, 2006, and was licensed to practice professional nursing in the State of Texas on August 9, 2007.

5. Respondent's nursing employment history includes:

01/2006 - 12/2007	Licensed Vocational Nurse	Triumph Hospital Houston, Texas
01/2006 - 12/2010	Staff Nurse	Memorial Hermann Woodlands, Texas
01/2007 - 12/2013	Staff Nurse/Charge Nurse	Triumph/Kindred Hospital Houston, Texas
01/2010 - 12/2013	Staff Nurse/Charge Nurse	Harris Health System Houston, Texas
01/2014 - 12/2015	Staff Nurse	Mercy Health Partners Cincinnati, Ohio
01/2015 - Present	Staff Nurse II	Ben Taub ER Houston, Texas
02/2017 - 09/2017	Registered Nurse	Houston Methodist Hospital Houston, Texas
11/2017 - Present	ICU Nurse	St. Luke's Hospital Houston, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, and had been in that position for approximately seven (7) months.
7. On or about September 7, 2017, while employed as a Registered Nurse with Houston Methodist Hospital, Houston, Texas, Respondent violated the boundaries of the nurse/client relationship in that he provided twenty dollars (\$20) and his personal phone number to Patient Number 029081171. Respondent's conduct violated the professional boundaries of the nurse-client relationship and was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient was frequently upset and tearful about having been displaced by Hurricane Harvey, and due to her

financial situation. Respondent states that on the day of her discharge, the patient mentioned several times that she needed seventy dollars (\$70) for a cell phone bill and asked him if he could help. Respondent states that the patient also asked for his phone number in case she had questions or needed further assistance. Respondent states that he gave the patient twenty dollars (\$20) and wrote his number on the bill. Respondent states that he initially told management that he did not give the patient money, although he did. Respondent states that he understands that it is not common for a nurse to give a patient money and he will not ever do it again. Respondent states that he felt that given her hardship, it was the right thing to do to help by giving her twenty dollars (\$20) and his phone number.

### 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)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(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 745792 and Vocational Nurse License Number 202016, heretofore issued to ANTHONY BAILEY.
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 **REMEDIAL EDUCATION** 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

## 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## IV. 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. The course "Professional Boundaries in Nursing,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.
- C. 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](http://www.bon.texas.gov/compliance).*

#### **V. RESTORATION OF UNENCUMBERED LICENSE(S)**

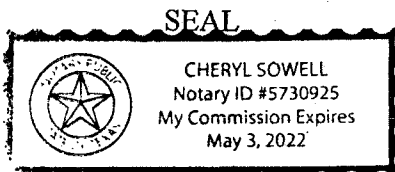
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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 neither admit nor deny 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 22<sup>nd</sup> day of May, 2018  
Anthony Bailey  
ANTHONY BAILEY, Respondent

Sworn to and subscribed before me this 22<sup>nd</sup> day of May, 2018



Cheryl Sowell  
Notary Public in and for the State of Texas

Approved as to form and substance.

Suzan Cardwell  
Suzan Cardwell, Attorney for Respondent

Signed this 22<sup>nd</sup> day of May, 2018

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 22<sup>nd</sup> day of May, 2018, by ANTHONY BAILEY, Registered Nurse License Number 745792 and Vocational Nurse License Number 202016, and said Order is final.

Effective this 24<sup>th</sup> day of May, 2018.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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