



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

In the Matter of § AGREED
Vocational Nurse License Number 171610 §
issued to BENNIE STUKES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BENNIE STUKES, Vocational Nurse License Number 171610, 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 April 23, 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.
4. Respondent received a Certificate in Vocational Nursing from Sydney N. Collier Tech Institute, New Orleans, Louisiana, on May 24, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on March 31, 1999.
5. Respondent's nursing employment history includes:

03/1999 - 03/2002	Unknown
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Respondent's nursing employment history continued:

04/2002 - 02/2003	LVN	Select Speciality Hospital Farmers Branch, Texas
09/2002 - Present (Inactive)	LVN	Advantage Nursing Service Dallas, Texas
11/2002 - 03/2003	LVN	RHD Hospital Farmers Branch, Texas
10/2003 - 02/2004	LVN	Cottenwood Nursing Center Denton, Texas
10/2003 - Present (Inactive)	LVN	Epic Staffing Dallas, Texas
11/2004 - 05/2005	LVN	Denton Dialysis Nursing Center Denton, Texas
02/2006 - 08/2006	LVN	Health South Rehabilitation Hospital Dallas, Texas
08/2006 - 02/2008	LVN	Texas Speciality Hospital Dallas, Texas
02/2008 - 08/2008	LVN	Davita UT Southwestern Dallas, Texas
09/2008 - Present (Inactive)	LVN	Nurse Finders Dallas, Texas
09/2009 - 02/2010	LVN	Reliant Renal Fort Worth, Texas
02/2010 - 01/2011	LVN	Mayhill Hospital/UBH Denton, Texas
03/2011 - 05/2011	LVN	Profero Solutions Glastonbury, Connecticut
05/2011 - 03/2012	LVN	THI of Texas at Longmeadow, LLC Justin, Texas
01/2012 - 09/2013	LVN	Mayhill Hospital Denton, Texas

Respondent's nursing employment history continued:

03/2013 - 07/2017	LVN	Longmeadow Nursing and Rehabilitation Justin, Texas
04/2013 - 09/2013	LVN	Fresenius Dialysis Corinth, Texas
10/2013 - 04/2014	LVN	Heartland of Bedford Bedford, Texas
11/2013 - Present	LVN	Prestonwood Rehabilitation & Nursing Center, Inc. Plano, Texas
02/2014 - 05/2014	LVN	Mayhill Hospital Denton, Texas
07/2014 - 09/2014	LVN	Landing at Watermere Southlake, Texas
11/2014 - 02/2015	LVN	Heritage House of Keller Keller, Texas
02/2015 - Present	LVN	Remarkable Health Care Fort Worth, Texas
10/2015 - Present	LVN	Cure Staffing Austin, Texas
10/2015 - Present	LVN	Nurse Staffing Fort Worth, Texas
10/2015 - Present	LVN	DaVinci Staffing Austin, Texas
06/2017 - Present	LVN	The Carlyle at Stonebridge Southlake, Texas
07/2017 - 08/2017	LVN	Rambling Oaks Courtyard Extensive Care Community Highland Village, Texas

Respondent's nursing employment history continued:

04/2017 - Present	LVN	Prairie Estates (Cantex) Frisco, Texas
09/2017 - Present	LVN	Hollymeade (Cantex) Flower Mound, Texas

6. At the time of the initial incident, Respondent was employed as a staff Licensed Vocational Nurse with Rambling Oaks Courtyard Extensive Care Community, Highland Village, Texas and had been in that position for one (1) month.
7. On or about August 6, 2017, through August 11, 2017, while employed as a Staff Nurse with Rambling Oaks Courtyard Extensive Care Community, Highland Village, Texas, Respondent failed to document having monitored for signs and symptoms of bleeding and/or anemia and assessed oxygen saturation at 2L/p of oxygen in the medical record of Resident Number 1645 on three (3) of Respondent's night shifts. Respondent's conduct resulted in an incomplete medical record.
8. On or about August 9, 2017, and August 10, 2017 while employed as a Staff Nurse with Rambling Oaks Courtyard Extensive Care Community, Highland Village, Texas, Respondent failed to document in the medical record a glucose measurement for Resident Number 1634 at 2000, as ordered by the physician. Respondent's conduct resulted in an incomplete medical record.
9. On or about August 10, 2017, while employed as a Staff Nurse with Rambling Oaks Courtyard Extensive Care Community, Highland Village, Texas, Respondent failed to document in the medical record that he administered Lantus insulin to Resident Number 187 at 2000 as ordered by the physician. Respondent's conduct resulted in an incomplete medical record.
10. On or about August 10, 2017, while employed as a Staff Nurse with Rambling Oaks Courtyard Extensive Care Community, Highland Village, Texas, Respondent failed to document vital signs in the medical record and that he administered Cardizem 60mg to Resident 1645 at 2100 as ordered by the physician. Respondent's conduct resulted in an incomplete medical record
11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent states there are omissions occurring, and that he does take full responsibility for the omissions of his documentation. Respondent states lack of electronic charting and having to duplicate your documentation multiple times can cause some omissions of documentation to occur. Respondent further states the unfortunate aspect of those omissions

are that they span over five days and there weren't any interventions, auditing or notifications to rectify the possibilities of the oversights when it first happened and if brought to his attention he would have rectified the omission to reflect the patient being assessed and care have been provided as ordered by the provider. In response to Number Nine (9) & Number Ten (10), Respondent states the patient's blood sugar was surely done, and the omission could have easily been rectified if given any notice that the blood glucose value was omitted. Respondent further states the omission of the administration of insulin, was just that: an omission. Respondent states the medication had been given, but he wasn't given the opportunity to correct the missed documentation. Respondent continue to state that the medication Cardizem was administered as ordered and agrees that it was just an omission on his part to not document that it was done, and if he was given the opportunity to rectify the exclusion, he would have done so.

12. Formal Charges were filed on March 5, 2018.
13. Formal Charges were mailed to Respondent on March 7, 2018.

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)(D)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10) &(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 171610, heretofore issued to BENNIE STUKES.
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. **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.
- 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.*

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.

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RESPONDENT'S CERTIFICATION

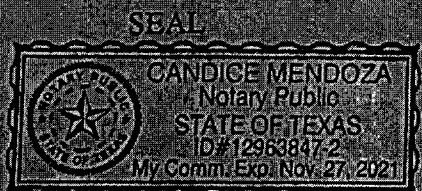
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 25 day of July, 2019

Bennie Stukes
BENNIE STUKES, Respondent


Sworn to and subscribed before me this 25 day of July, 2019

Candice Mendoza
Notary Public in and for the State of Texas



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 25th day of July, 20 19, by BENNIE STUKES, Vocational Nurse License Number 171610, and said Order is final.

Effective this 29th day of July, 20 19.


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