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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 885110 §
issued to BINOY JOSEPH §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BINOY JOSEPH, Registered Nurse License Number 885110, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 24, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from RajaRajeswari School of Nursing, Bangalore, Karnataka, India on September 20, 2007. Respondent was licensed to practice professional nursing in the State of Texas on August 12, 2015.
5. Respondent's nursing employment history includes:

8/2015 – 02/2019	RN	Bayshore Medical Center Pasadena, Texas
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Respondent's nursing employment history continued:

03/2019 – 05/2019	RN (PRN)	Harris Center for the Mental Health & IDD Neuropsychiatric Center Houston, Texas
02/2019 – 11/2019	RN	Bayshore Medical Center Rehab Pasadena, Texas
11/2019 – Present	RN	St. Joseph's Medical Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Harris Center for the Mental Health & IDD Neuropsychiatric Center, Houston, Texas, and had been in that position for two (2) months.
7. On or about April 29, 2019, while employed as a Registered Nurse with Harris Center for Mental Health & IDD Neuropsychiatric Center, Houston, Texas, Respondent failed to notify the physician that he only had Depakote ER 500mg tablets readily available for administration due to the facility pharmacy being closed when it was ordered for Patient 459343 to receive Depakote ER 1250mg. Instead, Respondent removed three (3) Depakote ER 500mg tablets from the Pyxis, a total of 1500mg, and inappropriately split one of the three unscored tablets in half in order to make an estimated total of 1250mg. Respondent then administered an approximated amount to the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that administering an approximated amount of Depakote could result in the patient suffering adverse reactions such as seizures, heart attacks, and/or a coma.
8. On or about May 6, 2019, while employed as a Registered Nurse at Harris Center for Mental Health & IDD Neuropsychiatric Center, Houston, Texas, Respondent failed to notify the physician of Aripiprazole 5mg tabs were only readily available for administration due to the facility pharmacy being closed, when it was ordered for Patient 415632 to receive Aripiprazole. Instead, Respondent removed an Aripiprazole 5mg tablet from the Pyxis, divided the unscored tablet multiple times, and administered an approximated amount to the patient. Additionally, Respondent returned the remaining part of the Aripiprazole 5mg tablet to the Pyxis and documented a waste of 3mg. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that administration of an approximated amount of Aripiprazole may result the patient experiencing adverse effects such as seizures, cardiac arrhythmias, which may lead to respiratory arrest.
9. On or about May 6, 2019, while employed as a Registered Nurse at Harris Center for Mental Health & IDD Neuropsychiatric Center, Houston, Texas, Respondent failed to

notify the physician that Hydroxyzine 25mg tabs were only readily available for administration due to the facility pharmacy being closed, when it was ordered for Patient 415632 to receive Hydroxyzine 20mg. Instead, Respondent removed a Hydroxyzine 25mg tablet from the Pyxis, split the pill into four approximated (4) parts, and administered three (3) of the four (4) parts, to the patient. Also, Respondent later returned the remaining part of the tablet to the Pyxis and documented a waste of 5mg. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that administration of an approximated amount of Hydroxyzine may cause the patient to experience adverse effects such as increased sedation.

10. In response to Finding of Fact Number Seven (7), Respondent states the pharmacy was closed and the medication available within the Pyxis machine did not contain the exact dosages as prescribed by the physician. The Pyxis was only stocked with Depakote 500mg tablets, so he removed three of the Depakote 500mg tablets and split one of the Depakote 500mg tablet in half in order to make two (2) equal halves of 250mg tablets. Afterwards he administered two of the Depakote 500mg tablets and one (1) of the half tablets in an attempt to administer the Depakote 1250mg as ordered by the physician. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states the Aripiprazole 5mg tablet and Hydroxyzine 25mg tablets were cut into pieces in order to administer an estimated amount closest to the ordered dosage of Aripiprazole 2mg and Hydroxyzine 20mg. The pharmacy was closed and both medications accessible within the Pyxis which did not have available dosage ordered by the physician. Respondent states he felt administering some medication was better than not administering anything at all.

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) and 22 TEX. ADMIN. CODE §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 885110, heretofore issued to BINOY JOSEPH.
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. 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **A Board-approved course in medication administration** 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: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. **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. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care 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. 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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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DECLARATION

I understand that my signature on this Order is a legal document. I understand that my signature is a representation by me that I have read and understood the contents of this Order and that I have not been coerced or intimidated into signing this Order. I understand that by signing this Order, I am neither admitting nor denying the violations alleged herein. I understand that the entry of this Order, and any conditions of said Order, shall be subject to review by the Texas Board of Nursing and a copy of the Order shall be provided to me by the Texas Board of Nursing. I waive judicial review of this Order. I understand that this Order shall become effective. I understand that if I fail to comply with the conditions of this Order, I will be subject to investigation and disciplinary sanctions, including the suspension or revocation of my license(s) and/or privileges to practice nursing in the State of Texas for noncompliance.

Day of Apr., 2020

RESPONDENT

APRIL 20 20
[Signature]

for the State of _____



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of April, 2020, by BINOY JOSEPH, Registered Nurse License Number 885110, and said Agreed Order is final.

Effective this 22nd day of October, 2020.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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