



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.
William C. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 951347
Issued to BAYREM SALMI,
Respondent**

§ **BEFORE THE TEXAS**
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§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: Bayrem Salmi
4914 Elswood Mist
San Antonio, TX 78251

A public meeting of the Texas Board of Nursing was held on January 27, 2021 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 951347, issued to BAYREM SALMI was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of BAYREM SALMI and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1922900104 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1103	1922900104	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Q4H Severe Pain	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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.

CHARGE II.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1922900104 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1103	1922900104	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Q4H Severe Pain	None	None

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.

CHARGE III.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1922900255 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1550	1922900255	Morphine 4mg (1)	None	Morphine 4mg Once	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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.

CHARGE IV.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg and Hydromorphone 2mg from the medication dispensing system for Patient 1922900255 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1550	1922900255	Morphine 4mg (1)	None	Morphine 4mg Once	None	None
8/17/19	1441	1922900255	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Once	1445 0.5mg	Pain: 10

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.

CHARGE V.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg and Hydromorphone 3.5mg belonging to the facility and Patient 1922900104 and Patient 1922900255, or failed to take precautions to prevent such misappropriation as set forth in Charges I through IV herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE VI.

On or about August 18, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1923000207 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/18/19	1721	1923000207	Morphine 4mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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.

CHARGE VII.

On or about August 18, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1923000207 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/18/19	1721	1923000207	Morphine 4mg (1)	None	None	None	None

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.

CHARGE VIII.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg belonging to the facility and Patient 1923000207, or failed to take precautions to prevent such misappropriation, as set forth in Charges VI and VII herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE IX.

On or about August 21, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1923300498 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/21/19	1222	1923300498	Hydromorphone 2mg (1)	None	Hydromorphone 1mg Once	1224 1mg	Pain: 10

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.

CHARGE X.

On or about August 21, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Hydromorphone 1mg belonging to the facility and Patient 1923300498, or failed to take precautions to prevent such misappropriation as set forth in Charge IX herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE XI.

On or about August 22, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Fentanyl 50mcg and Midazolam 1mg from the medication dispensing system for Patient 1923400021, without a valid physician's order, and subsequently administered the medications to Patient 1923400377, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/22/19	1216	1923400021	Fentanyl 50mcg (1)	None	None	None	None
8/22/19	1216	1923400021	Midazolam 1mg (1)	None	None	None	None
8/22/19	None	1923400377	None	1303 50mcg	Fentanyl 50mcg Once	1220 50mcg	None

8/22/19	None	1923400377	None	None	Midazolam 2mg Once	1220 2mg	None
8/22/19	None	1923400377	None	None	Midazolam 2mg Once	1256 2mg	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

CHARGE XII.

On or about June 11, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000146598 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/11/20	0937	11000146598	Dilaudid 1mg (1)	None	Dilaudid 0.5mg Q4H PRN Pain: 7-10	1135 0.5mg Pain: 7	None

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.

CHARGE XIII.

On or about June 11, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 0.5mg belonging to the facility and Patient 11000146598, or failed to take precautions to prevent such misappropriation as set forth in Charge XII herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE XIV.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Versed 5mg from the medication dispensing system for Patient 11000146872 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Physician's Order
6/12/20	1246	11000146872	Versed 5mg (1)	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

CHARGE XV.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Versed 5mg from the medication dispensing system for Patient 11000146872 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/12/20	1246	11000146872	Versed 5mg (1)	None	None	None	None

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.

CHARGE XVI.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Versed 5mg belonging to the facility and Patient 11000146872, or failed to take precautions to prevent such misappropriation, as set forth in Charges XIV and XV herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE XVII.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 11000147003 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/14/20	1809	11000147003	Morphine 4mg (1)	None	Morphine 4mg Q4H Pain: 7-10	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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.

CHARGE XVIII.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 11000147003 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/14/20	1809	11000147003	Morphine 4mg (1)	None	Morphine 4mg Q4H Pain: 7-10	None	None

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.

CHARGE XIX.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg belonging to the facility and Patient 11000147003, or failed to take precautions to prevent such misappropriation as set forth in Charges XVII and XVIII herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE XX.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148097 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/23/20	1558	11000148097	Dilaudid 1mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

CHARGE XXI.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148097 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/23/20	1558	11000148097	Dilaudid 1mg (1)	None	None	None	None

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.

CHARGE XXII.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 1mg belonging to the facility and Patient 1100148097, or failed to take precautions to prevent such misappropriation as set forth in Charges XX and XXI herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

CHARGE XXIII.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148687 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/29/20	1234	11000148687	Dilaudid 1mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

CHARGE XXIV.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148687 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/29/20	1234	11000148687	Dilaudid 1mg (1)	None	None	None	None

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.

CHARGE XXV.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 1mg belonging to the facility and Patient 11000148687, or failed to take precautions to prevent such misappropriation as set forth in Charges XXIII and XXIV herein. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by BAYREM SALMI constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 951347, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 951347, issued to BAYREM SALMI, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 27 day of January, 2021.

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

**In the Matter of
Permanent Registered Nurse
License Number 951347
Issued to BAYREM SALMI,
Respondent**

§
§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**
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FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BAYREM SALMI, is a Registered Nurse holding license number 951347 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 August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1922900104 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1103	1922900104	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Q4H Severe Pain	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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 August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1922900104 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1103	1922900104	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Q4H Severe Pain	None	None

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 August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1922900255 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1550	1922900255	Morphine 4mg (1)	None	Morphine 4mg Once	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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 IV.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg and Hydromorphone 2mg from the medication dispensing system for Patient 1922900255 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/17/19	1550	1922900255	Morphine 4mg (1)	None	Morphine 4mg Once	None	None
8/17/19	1441	1922900255	Hydromorphone 2mg (1)	None	Hydromorphone 0.5mg Once	1445 0.5mg	Pain: 10

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 V.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg and Hydromorphone 3.5mg belonging to the facility and Patient 1922900104 and Patient 1922900255, or failed to take precautions to prevent such misappropriation as set forth in Charges I through IV herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE VI.

On or about August 18, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1923000207 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/18/19	1721	1923000207	Morphine 4mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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 VII.

On or about August 18, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 1923000207 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/18/19	1721	1923000207	Morphine 4mg (1)	None	None	None	None

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 VIII.

On or about August 17, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg belonging to the facility and Patient 1923000207, or failed to take precautions to prevent such misappropriation, as set forth in Charges VI and VII herein. 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 §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE IX.

On or about August 21, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Hydromorphone 2mg from the medication dispensing system for Patient 1923300498 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/21/19	1222	1923300498	Hydromorphone 2mg (1)	None	Hydromorphone 1mg Once	1224 1mg	Pain: 10

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 X.

On or about August 21, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent misappropriated Hydromorphone 1mg belonging to the facility and Patient 1923300498, or failed to take precautions to prevent such misappropriation as set forth in Charge IX herein. 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 XI.

On or about August 22, 2019, while employed as a Registered Nurse with Baptist Hospital, San Antonio, Texas, Respondent withdrew Fentanyl 50mcg and Midazolam 1mg from the medication dispensing system for Patient 1923400021, without a valid physician's order, and subsequently administered the medications to Patient 1923400377, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
8/22/19	1216	1923400021	Fentanyl 50mcg (1)	None	None	None	None
8/22/19	1216	1923400021	Midazolam 1mg (1)	None	None	None	None
8/22/19	None	1923400377	None	1303 50mcg	Fentanyl 50mcg Once	1220 50mcg	None
8/22/19	None	1923400377	None	None	Midazolam 2mg Once	1220 2mg	None
8/22/19	None	1923400377	None	None	Midazolam 2mg Once	1256 2mg	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and 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)(P)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE XII.

On or about June 11, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000146598 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/11/20	0937	11000146598	Dilaudid 1mg (1)	None	Dilaudid 0.5mg Q4H PRN Pain: 7-10	1135 0.5mg Pain: 7	None

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 XIII.

On or about June 11, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 0.5mg belonging to the facility and Patient 11000146598, or failed to take precautions to prevent such misappropriation as set forth in Charge XII herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE XIV.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Versed 5mg from the medication dispensing system for Patient 11000146872 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Physician's Order
6/12/20	1246	11000146872	Versed 5mg (1)	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and 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)(P)&(3), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE XV.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Versed 5mg from the medication dispensing system for Patient 11000146872 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/12/20	1246	11000146872	Versed 5mg (1)	None	None	None	None

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 XVI.

On or about June 12, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Versed 5mg belonging to the facility and Patient 11000146872, or failed to take precautions to prevent such misappropriation, as set forth in Charges XIV and XV herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE XVII.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 11000147003 but failed to document and/or accurately and completely document the administration of the medication in the patient's Medication Administration Record (MAR) and/or Nurses' Notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/14/20	1809	11000147003	Morphine 4mg (1)	None	Morphine 4mg Q4H Pain: 7-10	None	None

Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, 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 XVIII.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Morphine 4mg from the medication dispensing system for Patient 11000147003 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/14/20	1809	11000147003	Morphine 4mg (1)	None	Morphine 4mg Q4H Pain: 7-10	None	None

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 XIX.

On or about June 14, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Morphine 4mg belonging to the facility and Patient 11000147003, or failed to take precautions to prevent such misappropriation as set forth in Charges XVII and XVIII herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE XX.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148097 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/23/20	1558	11000148097	Dilaudid 1mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and 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)(P)&(3), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE XXI.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148097 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/23/20	1558	11000148097	Dilaudid 1mg (1)	None	None	None	None

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 XXII.

On or about June 23, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 1mg belonging to the facility and Patient 1100148097, or failed to take precautions to prevent such misappropriation as set forth in Charges XX and XXI herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.1(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE XXIII.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148687 without a valid physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/29/20	1234	11000148687	Dilaudid 1mg (1)	None	None	None	None

Respondent's conduct was likely to injure the patient, in that the administration of the medications without a valid physician's order could result in the patient suffering from adverse reactions, and 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)(P)&(3), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE XXIV.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent withdrew Dilaudid 1mg from the medication dispensing system for Patient 11000148687 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
6/29/20	1234	11000148687	Dilaudid 1mg (1)	None	None	None	None

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 XXV.

On or about June 29, 2020, while employed as a Registered Nurse with Southwest General Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid 1mg belonging to the facility and Patient 11000148687, or failed to take precautions to prevent such misappropriation as set forth in Charges XXIII and XXIV herein. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE

§217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8), (10)(E)&(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) and/or privilege(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.

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, 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 on adopted policies 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.

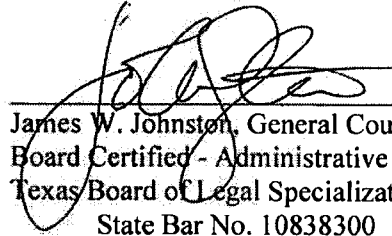
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated November 9, 2010.

Filed this 27 day of January, 2021.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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Attachment(s): Order(s) of the Board dated November 9, 2010.

D(2020.10.21)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
BAYREM BEN CHERIF SALMI,
PETITIONER for Eligibility for Licensure

§
§
§

AGREED

ELIGIBILITY ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the I considered the Petition for Declaratory Order and supporting documents filed by BAYREM BEN CHERIF SALMI, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(3)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on August 16, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about December 9, 2009, PETITIONER submitted an Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on December 13, 2009.

4. Petitioner completed the Petition for Declaratory Order and answered "yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
- A. been convicted of a misdemeanor?*
 - B. been convicted of a felony?*
 - C. pled nolo contendere, no contest, or guilty?*
 - D. received deferred adjudication?*
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. been granted pre-trial diversion?*
 - H. been arrested or have any pending criminal charges?*
 - I. been cited or charged with any violation of the law?*
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

5. Petitioner disclosed the following criminal history, to wit:

On or about June 19, 2007, Petitioner was arrested by the Guadalupe County Sheriff's Office, for INJURY CHILD/ELDERLY/DISABLED WITH INTENT TO CAUSE BODILY INJURY, a Third Degree felony offense.

On or about December 11, 2007, Petitioner entered a plea of Guilty to INJURY TO A CHILD (a Third Degree felony offense committed on April 3, 2007), in the 25th Judicial District Court of Guadalupe County, Texas, under Cause No. 07-1079-CR. As a result of the plea, Petitioner was placed in the Guadalupe County Pre-Trial Diversion Program for a period of twenty-four (24) months. On or about December 1, 2008, a memorandum was submitted indicating that Petitioner fulfilled all requirements of Pre-Trial Intervention and is eligible for dismissal of all charges.

6. In response to Finding of Fact Number Five, Petitioner states one year prior to this incident he was granted custody of his oldest son Thomas who was six at the time. Thomas had come to him as a disturbed child, severely lacking discipline and displaying strange and violent behaviors. As a father, he had to find ways to correct his sons conduct and to divert his negative energy into a more positive constructive one. In the process, Petitioner tried almost everything. His wife had even consulted with an officer about corporal punishment and was informed that they can still take a paddle to a child's bottom. The day the incident occurred, Thomas had ganged up with another kid from school and beat his younger brother. It's unfortunate that Petitioner acted while he was angry, having let prior misbehavior's build up. Coming from a culture that is not shy about corporal punishment, Petitioner took a stick and swatted Thomas' bottom leaving bruising. The following day Thomas told the school nurse about what had happened and the school nurse called CPS.

7. There is no evidence of any subsequent criminal conduct.
8. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, his past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
9. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
12. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
14. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
15. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about December 9, 2009, PETITIONER submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(3)&(10), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that, upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

IT IS FURTHER AGREED that PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.

IT IS FURTHER AGREED that, upon payment of any required fees and upon attaining a passing grade on the appropriate National Council Licensure Examination, PETITIONER shall be issued the applicable license to practice nursing in the State of Texas, and all licenses issued to PETITIONER shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license(s) is/are encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form,

provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:

(2) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(3) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(4) PETITIONER SHALL be supervised by a Registered Nurse, if licensed and practicing as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed and practicing 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 PETITIONER, 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 experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application and/or petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application and/or petition, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

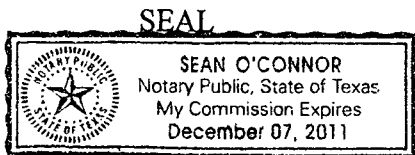
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 18th day of October, 2010.

Salmi Bayrem
BAYREM BEN CHERIF SALMI, PETITIONER

Sworn to and subscribed before me this 18th day of OCTOBER, 2010.



Sean O'Connor
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 18th day of October, 2010, by BAYREM BEN CHERIF SALMI, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 9th day of November, 2010.

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

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