



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Registered Nurse License Number 854753  
issued to HERBERT LEVENCE BELL

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### AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HERBERT LEVENCE BELL, Registered Nurse License Number 854753, 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 January 6, 2021.

### 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 an Associate Degree in Nursing from Brookhaven College, Farmers Branch, Texas, on May 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on May 1, 2014.
5. Respondent's nursing employment history includes:

5/2014 – 9/2017

RN

Parkland Hospital  
Dallas, Texas

Respondent's nursing employment history continued:

10/2017 – 2/2020

RN

Methodist Charlton Medical Center  
Dallas, Texas

3/2020 – Present

Unknown

6. At the time of the incident, Respondent was employed as a Registered Nurse with Methodist Charlton Medical Center, Dallas, Texas, and had been in that position for two (2) years and three (3) months.
7. On or about January 8, 2020, while employed as a Registered Nurse with Methodist Charlton Medical Center, Dallas, Texas, Respondent withdrew Morphine 2mg from the medication dispensing system for Patient MHD1628422, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. 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.
8. On or about January 8, 2020, while employed as a Registered Nurse with Methodist Charlton Medical Center, Dallas, Texas, Respondent took Morphine 1mg home in his scrubs and when questioned by his employer, he returned it. Respondent failed to conform to the standards for the safe handling of unused portions of medications.
9. In response to Finding of Fact Number Seven (7), Respondent states it was a busy night, which contributed to him making an honest mistake due to the demands and distractions. Respondent relates when he retrieved the Morphine 2mg, he could not find a nurse to assist him with wasting. Respondent states the patient complained of a burning sensation from IV medications, so he diluted Morphine 1mg with normal saline and administered it to the patient. Respondent relates he kept the remaining Morphine 1mg in his pocket with the intention of wasting it with another nurse, but subsequently became busy with other tasks and inadvertently forgot about the Morphine 1mg in his pocket. In response to Finding of Fact Number Eight (8), Respondent states he submitted the Morphine vial to management on January 14, 2020, after they informed him of the discrepancy. Respondent relates the facility denied his request to take a urine drug screen (UDS), so he completed a UDS independently, which returned negative results.
10. On or about December 1, 2020, Respondent successfully completed a Texas nursing jurisprudence and ethics course, which would have been a requirement of this order.
11. On or about December 4, 2020, Respondent successfully completed a documentation course, which would have been a requirement of this order.

12. On or about January 3, 2021, Respondent successfully completed a sharpening critical thinking course, which would have been a requirement of this order.

### 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).
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 854753, heretofore issued to HERBERT LEVENCE BELL.
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 **WARNING 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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

#### **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. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

#### V. **SUBSEQUENT CRIMINAL PROCEEDINGS**

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

#### 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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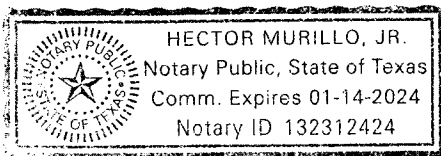
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11<sup>th</sup> day of APRIL, 20 21.  
Herbert L. Bell  
HERBERT LEVENCE BELL, RESPONDENT

Sworn to and subscribed before me this 11 day of April, 20 21.

SEAL



[Signature]  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]  
Eugenia Apraku, Attorney for Respondent

Signed this 11<sup>th</sup> day of April, 20 21.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of April, 2021, by HERBERT LEVENCE BELL, Registered Nurse License Number 854753, and said Agreed Order is final.

Effective this 11th day of May, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line underneath.

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