

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 593633	§	FOR
& Vocational Nurse License Number 134447	§	KSTAR PROGRAM
issued to DAVID RALPH BILBO	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAVID RALPH BILBO, Registered Nurse License Number 593633, and Vocational Nurse License Number 134447, 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 for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 29, 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 for KSTAR Program.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Lamar State College-Orange, Orange, Texas, on August 27, 1991. Respondent received a Baccalaureate Degree in Nursing from Lamar University at Beaumont, Beaumont, Texas, on May 15, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December

3, 1991. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. Respondent's nursing employment history includes:

12/1991 - 1992	LVN	Orange Baptist Hospital Orange, Texas
1992 – 1993	LVN	St. Elizabeth Hospital Beaumont, Texas
1993 - 1995	RN	St. Mary's Hospital Port Arthur, Texas
1995 – 1996	RN	St. Elizabeth Hospital Beaumont, Texas
1996 - 2000	RN	Dubuis Hospital at Christus St. Elizabeth Hospital Beaumont, Texas
2000 – 11/2011	RN	Christus St. Elizabeth Emergency Room Beaumont, Texas
06/2010 – 01/2013	RN	Jasper Memorial Hospital Emergency Room Jasper, Texas
01/2011 – 01/2013	RN	Harbor Hospice Jasper, Texas
01/2013 – 06/2015	RN	Harbor Hospital Beaumont, Texas
01/2015 – 08/2015	RN	Heart to Heart Hospice Beaumont, Texas
07/2015 – 10/2018	RN	Texas Oncology Beaumont, Texas
06/2019 – 08/2019	RN	Christus St. Michael Health System Texarkana, Texas
02/2019 – 09/2019	RN	Maxim Healthcare Greenville, South Carolina
09/2019 - Present	RN	PAM Specialty Hospital of Texarkana Texarkana, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Christus St. Michael Health System, and had been in that position for two (2) months.
7. On or about July 10, 2019, through August 8, 2019, while employed as a Registered Nurse with Christus St. Michael Health System, Texarkana, Texas, Respondent withdrew one (1) tablet of Hydrocodone 10/325 for Patient K.P., one (1) tablet of Hydrocodone 5/325 for Patient D.P., one (1) syringe of Morphine 2mg for Patient M.C., and two (2) syringes of Morphine 2mg for Patient R.T., but failed to document and/or completely and accurately document the administration of the medications in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients 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.
8. On or about July 10, 2019, through August 8, 2019, while employed as a Registered Nurse with Christus St. Michael Health System, Texarkana, Texas, Respondent withdrew one (1) tablet of Hydrocodone 10/325 for Patient K.P., one (1) tablet of Hydrocodone 5/325 for Patient D.P., one (1) syringe of Morphine 2mg for Patient M.C., and two (2) syringes of Morphine 2mg for Patient R.T. but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. 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.
9. On or about July 10, 2019, through August 8, 2019, while employed as a Registered Nurse with Christus St. Michael Health System, Texarkana, Texas, Respondent failed to take precautions to prevent the misappropriation of one (1) tablet of Hydrocodone 10/325 for Patient K.P., one (1) tablet of Hydrocodone 5/325 for Patient D.P., one (1) syringe of Morphine 2mg for Patient M.C., and two (2) syringes of Morphine 2mg for Patient R.T.. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states he had difficulty learning the computer charting system. Respondent states he thought he entered the medications correctly into the system, but he was told the medications weren't documented as given. Respondent denies misappropriating medications. Respondent states he took a urine drug screen, which resulted negative.
11. Formal Charges were filed on July 14, 2020.

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),(6)(G),(8),(10)(C),(10)(E)&(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 593633, and Vocational Nurse License Number 134447, heretofore issued to DAVID RALPH BILBO.
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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. 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 for KSTAR Program.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;
- B. Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;
- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and
- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order for KSTAR Program, 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.

V. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order for KSTAR Program, 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 21 day of August, 2021.

David Ralph Bilbo
DAVID RALPH BILBO, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

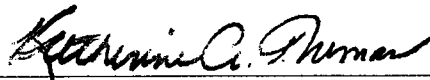
Approved as to form and substance.

Yong J. An 08/23/2021
Yong J. An, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 21st day of August, 2021, by DAVID RALPH BILBO, Registered Nurse License Number 593633, and Vocational Nurse License Number 134447, and said Agreed Order for KSTAR Program is final.

Effective this 14th day of September, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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