

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.

Alma A. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 858353
Issued to TONY BADILLO,
Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
DISCIPLINARY COMMITTEE**

ORDER OF THE BOARD

TO: Tony Badillo
1018 S Crockett Dr
Abilene, TX 79605

During open meeting held in Austin, Texas, on March 14, 2023, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 858353, previously issued to TONY BADILLO to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 14th day of March, 2023.

TEXAS BOARD OF NURSING

BY: _____

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed December 19, 2022

d17r(2023.02.08)

Re: Permanent Registered Nurse License Number 858353
Issued to TONY BADILLO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2023, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,

Copy Via USPS First Class Mail

Tony Badillo
1018 S Crockett Dr
Abilene, TX 79605

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of
Permanent Registered Nurse
License Number 858353
Issued to TONY BADILLO,
Respondent**

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

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TONY BADILLO, is a Registered Nurse holding license number 858353, 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 October 13, 2018, through January 13, 2021, while employed as a Registered Nurse with BSA Health System, Amarillo, Texas, Respondent withdrew Fentanyl 50mcg, Lorazepam 2mg and Morphine 2mg from the medication dispensing system for Patients HV/CSN 1000146412835, RP/CSN 1000176916778, TG/CSN 1000189526486 and JC/CSN 1000202945113 but failed to document and/or completely and accurately document the administration of the medications in the patient's Medication Administration Records (MAR) and/or nurses' notes, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
10/13/18	2100	HV/CSN 1000146412 835	Fentanyl 50mcg/1mL (2mL) (1)	2101 75mcg	Fentanyl 25mcg Q4H PRN severe pain (7-10)	None	2252 10 - Worst possible pain 2343 5 - Moderate pain
11/4/19	2359	RP/ CSN 1000176916 778	Lorazepam 2mg vial (1)	2359 Partial Pkg	Lorazepam 1mg inj Q2H PRN	0005 1mg (doc'd on 11/15/19 @ 1505)	2237 Pain: 8
5/31/20	0348	TG/ CSN 1000189526 486	Morphine 2mg inj (1)	None	Morphine 2mg inj Q2H PRN for breakthrough pain	None	0247 Resting quietly eyes closed (by JS) 0524

							Resting quietly eyes closed (by JS)
1/13/21	1439	JC/ CSN 1000202945 113	Fentanyl 50mcg/1mL (2mL) (1)	1439 75mcg	Fentanyl 25mcg inj Q4H PRN	None	None

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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through 8/31/2021), Texas Occupations Code, and is a violation of
22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and
217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

CHARGE II.

On or about October 13, 2018, through January 13, 2021, while employed as a Registered Nurse with BSA Health System, Amarillo, Texas, Respondent withdrew Fentanyl 50mcg, Lorazepam 2mg and Morphine 2mg from the medication dispensing system for Patient HV/CSN 1000146412835, RP/CSN 1000176916778, TG/CSN 1000189526486 and JC/CSN 1000202945113 but failed to follow the facility's policy and procedure for the wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurse's Notes
10/13/18	2100	HV/CSN 1000146412 835	Fentanyl 50mcg/1mL (2mL) (1)	2101 75mcg	Fentanyl 25mcg Q4H PRN severe pain (7-10)	None	2252 10 - Worst possible pain 2343 5 - Moderate pain
11/4/19	2359	RP/ CSN 1000176916 778	Lorazepam 2mg vial (1)	2359 Partial Pkg	Lorazepam 1mg inj Q2H PRN	0005 1mg (doc'd on 11/15/19 (@ 1505))	2237 Pain: 8
5/31/20	0348	TG/ CSN 1000189526 486	Morphine 2mg inj (1)	None	Morphine 2mg inj Q2H PRN for breakthrough pain	None	0247 Resting quietly eyes closed (by JS) 0524 Resting quietly eyes closed (by JS)

1/13/21	1439	JC/ CSN 1000202945 113	Fentanyl 50mcg/1mL (2mL.) (1)	1439 75mcg	Fentanyl 25mcg inj Q4H PRN	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)(effective through 8/31/2021), 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).

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, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

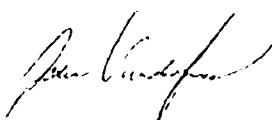
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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.

Filed this 19th day of December, 2022.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

JoAnna Starr, Assistant General Counsel
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

1801 Congress Avenue, Suite 10-200
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

D(2022.11.15)