



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.
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 938589 §
issued to LEVI BLU MALONE §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the matter of LEVI BLU MALONE, Registered Nurse License Number 938589, 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)(9),(10)&(12), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on August 10, 2023.

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 Amarillo College, Amarillo, Texas, on December 15, 2017. Respondent was licensed to practice professional nursing in the State of Texas on February 6, 2018.
5. Respondent's nursing employment history includes:

2/2018 – 4/2018	Registered Nurse	Northwest Texas Hospital Amarillo, Texas
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Respondent's nursing employment history continued:

5/2018 - Present

Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Northwest Texas Healthcare System, Amarillo, Texas, and had been in that position for two (2) months.
7. On or about April 14, 2018, while employed as a Registered Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent showed signs of drug seeking behavior in that he appeared jittery and nervous, made frequent trips to the restroom, and an unlabeled 20mL syringe was found in his backpack. Respondent's behavior could have affected his ability to recognize subtle signs, symptoms or changes in conditions, and could have affected his ability to make rational, accurate and appropriate assessments, judgements and decisions regarding patient care, thereby placing patients in potential danger.
8. On or about April 14, 2018, while employed as a Registered Nurse with Northwest Texas Healthcare System, Amarillo, Texas, Respondent engaged in the intemperate and/or unlawful use of Morphine in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Morphine. The use Morphine by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in conditions, and could have affected his ability to make rational, accurate and appropriate assessments, judgements and decisions regarding patient care, thereby placing patients in potential danger.
9. On or about April 19, 2018, Respondent was referred to the Texas Peer Assistance Program for Nurses (TPAPN) for substance abuse disorder, and subsequently signed a Participation Agreement. On or about November 8, 2019, while participating in TPAPN, Respondent tested positive on an ETG test, and as a result, Respondent restarted his participation with TPAPN on November 26, 2019. On or about December 12, 2019, Respondent elected to withdraw from TPAPN before completing the program. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in conditions, and could have affected his ability to make rational, accurate and appropriate assessments, judgements and decisions regarding patient care, thereby placing patients in potential danger.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent does not contest the findings. Respondent states his sobriety date is December 12, 2020. Respondent states he regularly attends AA meetings, has a sponsor he meets with twice a week, and he is regularly drug tested by his sponsor.

11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 §217.12 (1)(B),(1)(E),(4),(5),(10)(A),(10)(D) &(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b) (9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 938589, heretofore issued to LEVI BLU MALONE.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 938589, previously issued to LEVI BLU MALONE, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until
RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;

B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and

C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.

E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.

F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**

G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

J. 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. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the suspension being stayed, unless otherwise specifically indicated:**

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. 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.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 25 day of October, 2023.



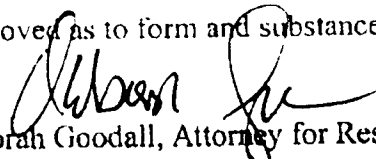
LEVI BLUM MALONE, RESPONDENT

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.

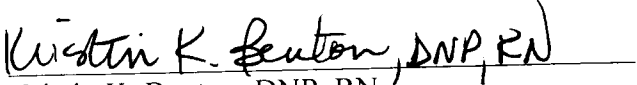


Deborah Goodall, Attorney for Respondent

Signed this 25th day of October, 2023.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of October, 2023, by LEVI BLU MALONE, Registered Nurse License Number 938589, and said Agreed Order is final.

Effective this 7th day of November, 2023.


Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board