



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 678927 §
& Vocational Nurse License Number 139585 §
issued to JOHN WARD PATRICK §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOHN WARD PATRICK, Registered Nurse License Number 678927, and Vocational Nurse License Number 139585, 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)&(14), 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 October 24, 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 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 Galveston College, Galveston, Texas, on August 28, 1992. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 11, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 2001.

5. Respondent's nursing employment history includes:

12/1992 – 2/1992	Licensed Vocational Nurse	Turner Health Services Galveston, Texas
2/1992 – 2/1993	Licensed Vocational Nurse	Harborview Long Term Care Facility League City, Texas
2/1993 – 7/1995	Licensed Vocational Nurse	Gulf Health Care Services Galveston, Texas
7/1995 – 4/2005	Licensed Vocational Nurse	University of Texas Hospital Galveston, Texas
4/2005 – 5/2007	Registered Nurse	Private Duty Alvin, Texas
6/2007 – 9/2007	Registered Nurse	Saint Luke's Hospital Phoenix, Arizona
10/2007 – 4/2008	Registered Nurse	Lanier Memorial Hospital Valley, Alabama
4/2008 – 3/2001	Registered Nurse	Our Lady of the Lourdes Lafayette, Louisiana
3/2001 – Present	Registered Nurse	Jennie Sealy Hospital- UTMB Galveston, Texas

6. At the time of the incidents, Respondent was employed as a Registered Nurse with Jennie Sealy Hospital-UTMB, Galveston, Texas, and had been in that position for twenty-one (21) years and seven (7) months.

7. On or about October 2, 2022, through October 3, 2022, while employed as a Registered Nurse at Jennie Sealy Hospital-UTMB, Galveston, Texas, Respondent failed to appropriately assess and/or document a pain assessment and/or reassessment for Patient JN, per physician order, prior to administering 25 mcg Fentanyl (Sublimaze PF) at 2052 and 10 ml Hydrocodone-acetaminophen (Hycet) 7.5-325 mg/15 ml solution at 0106. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient from medication being administered without the benefit of a physician's expertise.

8. On or about October 2, 2022, through October 3, 2022, while employed as a Registered Nurse at Jennie Sealy Hospital-UTMB, Galveston, Texas, Respondent failed to accurately assess and/or document on Patient JN, who was an obstructive sleep apnea patient with a wired jaw, when he was experiencing tachycardia of 123-148 beats per minute, blood

pressure of 160/87 to 192/109 and oxygen desaturation of 87 percent between 2135 to 0011. Instead, Respondent sent a text message to the on-call resident without further escalating the change in condition to the house supervisor or activating a rapid response call per facility policy. A Code Blue was called, the patient was resuscitated after four (4) rounds of cardiopulmonary resuscitation, and transferred to the Surgical Intensive Care Unit (SICU) with an anoxic brain injury. Respondent's conduct was likely to injure the patient from delayed treatment and may have contributed to the patient suffering an anoxic brain injury.

9. In response to Finding of Fact Number Seven (7) and Eight (8), Respondent states he was extremely fatigued and had recently recovered from COVID. Respondent states he tried to call into work but was told only two (2) new nurses were working and the hospital was short-staffed. Respondent states that as the shift progressed, his symptoms worsened, and he tried to maintain his alertness with energy drinks and candy. Respondent states the floor was extremely busy and he was unable to chart until midnight. Respondent states the vital signs showed an increased pulse and blood pressure and the patient was desaturating into the low 80's as the patient had taken off his nasal cannula. Respondent states a simple O2 mask was placed on the patient and his oxygen saturation improved to the low 90's. Respondent states the vital signs were taken by the Patient Care Technician (PCT) that night, and he attempted to call the Resident on call and left a message that he would send a text message. Respondent states he continued to chart and walk the halls to become more alert. As he walked past the patient's room, he would ask the patient how he was, and the patient would respond with a thumbs up. Respondent states around 0400, he was becoming unconscious and left the unit for an energy drink. Respondent states as he was returning, he heard a staff member yell the patient was coding. Respondent states he ran to the room to begin compressions while yelling for help. Respondent states the code team came and intubated the patient. Respondent states he started charting again after the code and remembers charting on the patient, but learned at his peer review that the documentation wasn't in the record. Respondent states he may have entered it into the wrong chart.

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),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 678927, and Vocational Nurse License Number 139585, heretofore issued to JOHN WARD PATRICK.

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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 678927, and Vocational Nurse License Number 139585, previously issued to JOHN WARD PATRICK, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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.

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. 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 effective date of this Order, unless otherwise specifically indicated:**

- A. **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.

- B. **A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- D. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.

- E. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

- F. **The course "Upholding the Standard: Professional Accountability in Nursing,"** a 5.5 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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.*

V. 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 eight (8) quarterly periods [two (2) years]

of employment. This requirement will not be satisfied until eight (8) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified, and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed 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 RESPONDENT 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 of experience in the same or similar practice setting to which the

RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified, and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- E. **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 eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

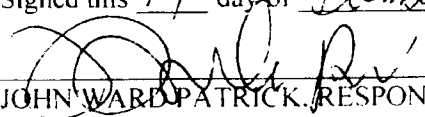
Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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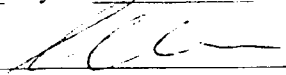
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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.

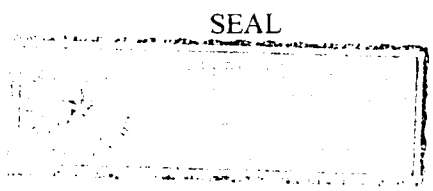
Signed this 14 day of December, 2023


JOHN WARD PATRICK, RESPONDENT

Sworn to and subscribed before me this 14 day of December, 2023.



Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of December, 2023, by JOHN WARD PATRICK, Registered Nurse License Number 678927, and Vocational Nurse License Number 139585, and said Agreed Order is final.

Effective this 25th day of January, 2024.

Kristin K. Benton, DNP, RN

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