

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 511050
ISSUED TO
EDWARD JAMES HARDEBECK III

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



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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Edward James Hardebeck III
PO Box 4034
Shreveport, LA 71134

During open meeting held in Austin, Texas, on Tuesday, May 10, 2011, the 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 of the Texas Board of Nursing 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 to practice professional 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 Eligibility and Disciplinary 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 Certificate Number 511050, previously issued to EDWARD JAMES HARDBECK III, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed January 19, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

James Edward Hardebeck III
PO Box 4034
Shreveport, LA 71134



BY:

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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

January 20, 2011

Certified Mail No. 91 7108 2133 3934 2189 8442
Return Receipt Requested

Edward James Hardebeck III
PO Box 4034
Shreveport, LA 71134

Dear Mr. Hardebeck:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Kevin G. Freemyer, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license and/or nurse licensure compact privilege to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Kevin G. Freemyer, Investigator, Enforcement Division, at the above address, or at (512) 305-8314.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/kgf

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, President

Deborah Bell, CLU, ChFC
Ablene

Kristin Benton, MSN, RN
Austin

Patricia Clapp, BA
Dallas

Tamara Cowan, MN, RN
Harlingen

Sheri Crosby, JD, SPHR
Dallas

Marilyn Davis, BSN, RN, MPA
Sugar Land

In the Matter of Permanent License § BEFORE THE TEXAS
Number 511050, Issued to §
EDWARD JAMES HARDEBECK III, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EDWARD JAMES HARDEBECK, is a Registered Nurse holding license number 511050, 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 August 16, 2010, Respondent's license to practice professional nursing in the State of Louisiana was issued a Reprimand with Stipulations by the Louisiana State Board of Nursing, Baton Rouge, Louisiana.

A copy of the August 16, 2010 Louisiana State Board of Nursing Consent Order is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8)&(10), Texas Occupations Code.

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CONTINUED ON NEXT PAGE

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1,200.00).

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.state.tx.us.

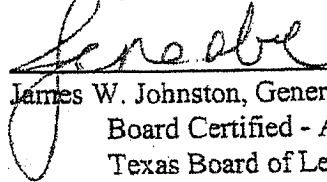
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Louisiana State Board of Nursing, Consent Order dated August 16, 2010.

Filed this 19th day of January, 2011.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Louisiana State Board of Nursing Consent Order of the Board dated August 16, 2010
D/2010.12.28

Louisiana State Board of Nursing

17373 Perkins Road
Baton Rouge, LA 70810
Telephone: (225) 755-7500 Fax: (225) 755-7582
<http://www.lsn.state.la.us>

September 24, 2010

Mr. Edward James Hardebeck III
P. O. Box 4034
Shreveport, LA 71134

**RE: ORDER Approving and Accepting
Consent Order - Reprimand**

Dear Mr. Hardebeck III:

This is official notification that the signed Consent Order submitted by you was approved and accepted by the Louisiana State Board of Nursing in a regularly scheduled meeting on September 15, 2010.

Pursuant to the Consent Order of August 16, 2010, this is to officially reprimand you for the actions which brought you before the Board.

The Board ordered that you be reprimanded for **Practicing Beyond Scope**.

The Board has serious concerns over this type of conduct in nursing practice. The Board reminds you that the scope of your practice is defined in the Louisiana Nurse Practice Act and the Rules of the Board of Nursing and that you are responsible and accountable for your actions as a registered nurse.

LOUISIANA STATE BOARD OF NURSING



Barbara L. Morvant, MN, RN
Executive Director

BLM/ir

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

EDWARD JAMES HARDEBECK III
P. O. BOX 4034
SHREVEPORT, LA 71134
APPLICANT

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RN 040651
CONSENT ORDER

TERMS AGREED TO BY APPLICANT

I, EDWARD JAMES HARDEBECK III, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, EDWARD JAMES HARDEBECK III, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On March 28, 1979, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On the following listed dates, as Director of Nursing at Stonewall Hospital for Behavioral Health in Stonewall, Louisiana, Respondent practiced outside the scope of nursing practice by entering information (patient's name, date of prescription, controlled and non-controlled medication prescribed with strength and dose, and schedule) on pre-signed blank medication prescription slips, while the treating physician was out of the country, and presenting the prescriptions to a pharmacy for filling and delivery of the medication to the hospital for patient administration.
Respondent:
 - A. On or about March 1, 2010, for Patient #1(ES), completed a prescription for Diazepam 5mg one PO BID, 28 tablets, for filling by the pharmacy;
 - B. On or about March 3, 2010, for Patient # 2 (MM) completed in a prescription for Percocet 10/325 give 2 (20mg) PO Q am, 28 tablets and for Percocet 10/325 give one (10mg) at noon and at 6:00 PM, 28 tablets, for filling by a pharmacy;
 - C. On or about March 4, 2010, for Patient # 3 (RB), completed a prescription for Methodone 10mg give as per detox schedule protocol, 57 tablets and for Methodone 5mg give as per detox schedule protocol, 49 tablets, for filling b a pharmacy;
 - D. On or about March 4, 2010, for Patient # 4 (MW), completed a prescription for Lunesta 4mg one PO Q 9:00 PM, 14 tablets, for filing by a pharmacy;
 - E. On or about March 15, 2010, for Patient # 6 (DL), completed a prescription for Fiorinol one PO Q 6 hours PRN x 3 days for headache, 12 tablets, for filling by a pharmacy;
 - F. On or about March 17, 2010, for Patient # 7 (CR), completed a prescription for Norco 10/325mg one PO Q 8 hours, 42 tablets, for filing by a pharmacy.;
 - G. On or about March 18, 2010, for Patient # 1 (ES), completed a prescription for Lomotil one PO Q 6 hours x 2.days for diarrhea, 8 tablets, for filling by a pharmacy;
 - H. On or about March 19, 2010, for Patient # 2 (MM), completed a prescription for Percocet 5/324 given 2 tabis PO TID, 42 tablets, then on March 22, 2010, completed another for to Percocet 10/325mg 2 PO in AM, one at noon, and one at 9:00 PM, 28 tablets, for filing by a pharmacy;
 - I. On or about March 22, 2010, for Patient # 8 (JT), completed a prescription for Lortab 10/325 one PO Q 6 hours PRN tooth pain, 28 tablets, for filling by a pharmacy;

AUG 12 2010

[Handwritten Signature]
initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

EDWARD JAMES HARDEBECK III
P. O. BOX 4034
SHREVEPORT, LA 71134
APPLICANT

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RN040651
CONSENT ORDER

TERMS AGREED TO BY APPLICANT

- J. On or about March 23, 2010, for Patient # 9 (JBW), completed a prescription for Allegra D one PO Q 12 hours, 28 tablets, for filling by a pharmacy;
- K. On or about March 24, 2010, for Patient # 10 (GW), completed a prescription for Clorazepate 3.75mg PO BID, 28 tablets, for filling by a pharmacy;
- L. On or about March 24, 2010, for Patient # 7 (CR), completed a prescription for Ambien CR 12.5mg one PO PRN Q hs, 14 tablets, for filling by a pharmacy;
- M. On or about March 29, 2010, for Patient # 11 (MT), completed a a prescription for Percocet 10/325mg one tab PO Q 6 hours, 56 tablets, for filling by a pharmacy.

3. Respondent met with board staff and advised that Respondent had only completed the medication prescriptions from inpatient orders documented in patient's medical records, that Respondent followed the pharmacy protocol of supplying proof of the medical record order sheets and that there is no indication that anyone except the patients received the medication. Board staff confirmed that Respondent's statement was accurate as indicated from the board investigation.

To facilitate submission of this Consent Agreement, I do not offer any defense to the FINDINGS OF FACTS. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911, et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to Healthcare Integrity and Protection Data Bank (HIPDB) as 29, Practicing Beyond Scope.

HIPDB Narrative: By Consent Order RN's license was formally reprimanded with fine after RN completed pre-signed medication prescriptions and presented to a pharmacy for filling for use by patients.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

A letter of reprimand is issued and becomes a part of this Registrant's permanent file, regarding the incident which brought this registrant before the Board, i.e., Practicing Outside the Scope of Nursing Practice, and that the following stipulation(s) shall be completed within the specified time periods:

1. Within 6 months, submit payment of \$200.00 to the Board as cost of this Consent Order.

AUG 12 2010

EAH
Initials

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

7-23-10
15 30 100

IN THE MATTER OF:

EDWARD JAMES HARDEBECK III
P. O. BOX 4034
SHREVEPORT, LA 71134
APPLICANT

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RN040651
CONSENT ORDER

TERMS AGREED TO BY APPLICANT

2. Within 36 months, submit payment of \$1000.00 to the Board as fine.
3. Immediately (within 72 hours) inform the Board in writing of any change in address.
4. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
5. Failure to comply with the above orders on date due shall result in the immediate suspension of this registrant's license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

I, EDWARD JAMES HARDEBECK III, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Registrant.

Dated this 10 day of August, 2010.

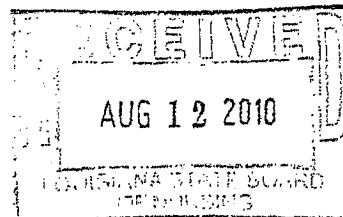
Edward J. Hardebeck III
EDWARD JAMES HARDEBECK III

Phillip Brantham
Witness

Rhonda O Buford
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 08/16/2010
Barbara L. Morvant, MN, RN Date
Executive Director



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