



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 692219 §
issued to BOBBY RAY BLEVINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of BOBBY RAY BLEVINS, Registered Nurse License Number 692219 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code[*eff. 9/1/2001*] and Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 13, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from The University of North Carolina at Charlotte, Charlotte, North Carolina, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on December 23, 2002.
5. Respondent's nursing employment history includes:

1998-1999	Patient Care Coordinator	Total Care of the Carolinas Charlotte, NC
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Respondent's professional nursing employment history continued:

1999-2000	Nursing Supervisor	Integrated Health Services Charlotte, North Carolina
2000-2001	Director of Nursing	Autumn Hills Houston, Texas
2001-2001	Director of Nursing	Diversicare Houston, Texas
2001-2002	Charge Nurse	West Houston Hospital Houston, Texas
2001-2002	Nursing Supervisor	Stoneybrook Healthcare Houston, Texas
11/2002-6/2009	Weekend Oncall RN	Odyssey Healthcare Houston, Texas
3/2009-3/2010	Field Nurse	Angel Home Health Pasadena, Texas
9/2010 to present	Oncall RN	Hospice Compassus Houston, Texas

6. On or about December 10, 2002, while submitting a Temporary License/Endorsement Application for licensure as a professional nurse in the State of Texas, Respondent provided untruthful and incorrect information when he answered "No" to Eligibility Question Number Eleven (11), which asked, "Have you ever been convicted or received a deferred order for a crime other than minor traffic violations?"

On or about October 25, 1990, Respondent pled nolo-contendere to the charge of FS/Petty Theft, an offense committed on September 14, 1990, in the County Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida, Case Number 90-CM-017199. As a result of the pleading, adjudication was withheld and Respondent was sentenced to six (6) months probation, which was successfully completed on April 17, 1991, and an order of termination of probation closed the case.

7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Field Nurse with Angel Home Health, Houston, Texas, and had been in this position for seven (7) months.

8. On or about October 26, 2009, through February 11, 2010, while employed as a Field Nurse with Angel Home Health Care, Pasadena, Texas, Respondent falsely documented physical assessments and hours worked by submitting ten (10) nursing visit slips for Patients JH, MN, and DB. Respondent had not performed the visits. Respondent's conduct resulted in inaccurate medical records and may have defrauded the facility of pay which he had not earned and to which he was not entitled.
9. In response to the incidents of Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that the discrepancies between the visit slips submitted and the performance of these visits were a matter of a clerical error on his part. According to Respondent, Angel Home Health Care had begun using new software in or about October 2009, and it was very confusing. In the beginning the office made multiple changes as to how their notes were to be done. The office staff sometimes duplicated notes, and the nursing staff was instructed to date the note on the day it was put into the system and not the date of the actual assessment. After the visits were submitted, the staff would mark things they wanted corrected and changed and put back into the system to resubmit. Additionally, the office also outsourced the admits and re-certifications to be corrected and changed. The constant back and forth made it difficult to keep everything straight. Regarding the non-disclosure of the 1990 charge of FS/Petty Theft, Respondent states he panicked when he read the question, afraid that if he answered "Yes" he would not be able to work as a nurse. Respondent indicates that he sincerely regrets making such a poor choice when he decided to be untruthful.

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 of Section 301.452(b)(2)&(10), Texas Occupations Code[*eff. 7/2001*] and Section 301.452 (b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE 22 §217.12 (22)&(23)[*eff. 7/2003*] and TEX. ADMIN. CODE §217.11(1)(A)&(1)(D) and 22 TEX.ADMIN.SECTION 301.452(B)(2)&(10), TEXAS OCCUPATIONS CODE[*EFF. 7/2001*] AND SECTION 301.452 (B)(10)&(13), TEXAS OCCUPATIONS CODE. CODE §217.12(1)(A),(1)(B),(1)(C),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 692219, heretofore issued to BOBBY RAY BLEVINS, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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.

RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a

Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order

to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1000.00). RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge,

if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) RESPONDENT SHALL be supervised by a Registered 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 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.

(9) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board

at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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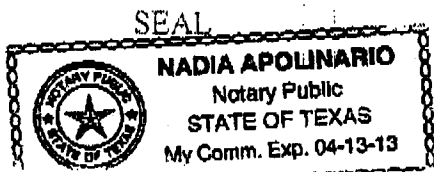
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of April, 2011.

Bobby R. Blevins
BOBBY RAY BLEVINS, Respondent

Sworn to and subscribed before me this 5th day of April, 2011.



Nadia M. Apolinario
Notary Public in and for the State of Texas

Approved as to form and substance.

Jeffrey C. Grass
Jeffrey C. Grass, Attorney for Respondent

Signed this 13 day of April, 2011.

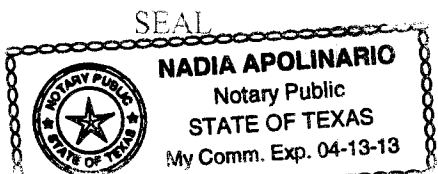
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Bobby R. Blevins
BOBBY RAY BLEVINS, Respondent

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Nadia M. Apolinario
Notary Public in and for the State of Texas

Approved as to form and substance.

Jeffrey C. Grass, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of April, 2011, by BOBBY RAY BLEVINS, Registered Nurse License Number 692219, and said Order is final.

Effective this 10th day of May, 2011.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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