BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 751142	§	
issued to DAVID JUSTIN CARTER	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of DAVID JUSTIN CARTER, Registered Nurse License Number 751142, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated 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 March 10, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 15, 2007. Respondent was licensed to practice professional nursing in the State of Texas on February 12, 2008.

5. Respondent's professional nursing employment history includes:

01/08 - 10/09	GN/RN	St. Luke's Episcopal Hospital Houston, Texas

Respondent's professional nursing employment history continued:

11/09 - Present	Unknown

6. At the time of the initial incident, Respondent was employed as a registered nurse with St. Luke's Episcopal Hospital, Houston, Texas, and had been in this position for one (1) year and one (1) month.

7. On or about March 23, 2009, while employed with St. Luke's Episcopal Hospital, Houston, Texas, Respondent inappropriately accepted a nursing assignment in which he lacked the education, experience and/or knowledge in that he had never experienced a Quinton catheter insertion and did not assist the physician during the procedure. Additionally, Respondent failed to monitor and assess Patient Medical Record Number 02746369 during the procedure. Respondent conduct unnecessarily exposed the patient to risk of harm.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that he received a call from the doctor who would be placing a temporary Quinton catheter for dialysis. The doctor stated that she would be up shortly, and Respondent asked what the doctor needed him to do to prepare. Respondent states he informed the doctor that he had never had a patient receive a Quinton catheter at the bedside. Respondent states he asked the charge nurse if Quinton catheters could be placed at the bedside, and what he was supposed to do for the procedure. The charge nurse instructed Respondent to ensure that the doctor had everything that they needed for the procedure. When the physician arrived to place the Quinton catheter, Respondent went with the physician into the patient's room and introduced them to each other. He asked the physician what he could do to assist, and whether the nurse usually stayed in the room for the procedure. The doctor stated that sometimes the nurse stayed, but usually did not. Respondent did not stay for the procedure and continued passing out his morning medications.

9. On or about October 15, 2009, while employed with St. Luke's Episcopal Hospital, Houston, Texas, Respondent failed to assess and intervene for Patient Medical Record Number 02490822 after it had been reported to him by another registered nurse that the patient's cardiac monitor showed a 9 beat run of ventricular tachycardia. Respondent's conduct unnecessarily exposed the patient to risk of harm from unrecognized clinical complications.

10. In response to the incident in Finding of Fact Number Nine (9), Respondent states that the patient did not have any chest pain while he was his nurse. Respondent states that the patient had been having episodes of non sustained ventricular tachycardia. Respondent contends that he noted in the patient's chart, that cardiology was aware of the V-Tach, that the NSVT was asymptomatic, the EKG showed the patient was abnormally paced and that the patient was 92% pacing. Respondent states that it was also noted that the plan was to upgrade the patient's pacemaker to improve efficiency and the long term plan was possibly junctional ablation.

Respondent reports that at 0930 the patient had a run of 9 beats of v-tach and the patient was experiencing no chest pain, dizziness or shortness of breath. Respondent adds that he looked back in the chart to see how often the patient had been having runs of v-tach and found several episodes, but little documentation by the nurses in care manager. Respondent asserts that he knew from the notes that the cardiologist was fully aware of the v-tach, and didn't feel he needed to notify the physician again.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(G),(1)(M) &(3) and 217.12(1)(A),(1)(B),(1)(E)&(4).

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 751142, heretofore issued to DAVID JUSTIN CARTER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 State of Texas 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 <u>not</u> 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 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.*

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 when this Order becomes final and the terms of this Order become effective, 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 11th day of April, 2011.

David Carter

DAVID JUSTIN CARTER, Respondent

Sworn to and subscribed before me this 11 day of April, 2011.

SEAL
HENRIETTA A. SMITH
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 05-02-2012

Henrietta A. Smith

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Simon W. (Trey) Hendershot, III, Attorney for Respondent

Signed this 14 day of April, 2011.

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 11th day of April, 2011, by DAVID JUSTIN CARTER, Registered Nurse License Number 751142, and said Order is final.

Effective this 18th day of April, 2011.

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