

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 145530
ISSUED TO
CHARLES ALLEN ROCKENBAUGH

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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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Charles Allen Rockenbaugh
507 W Hamilton
Olney, Texas 76374

During open meeting held in Austin, Texas, on May 11, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 vocational 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 § 213.2(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 145530, previously issued to Charles Allen Rockenbaugh, to practice vocational 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 vocational nursing in the State of Texas.

Entered this 11th day of May, 2010

TEXAS BOARD OF NURSING

BY:


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



Re: Permanent Certificate Number 145530
Issued to Charles Allen Rockenbaugh
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2010, 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):

Charles Allen Rockenbaugh
507 W Hamilton
Olney, Texas 76374

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 145530, Issued to §
CHARLES ALLEN ROCKENBAUGH, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARLES ALLEN ROCKENBAUGH, is a Vocational Nurse holding license number 145530, 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 October 15, 2007, while employed as a Charge Nurse with Throckmorton Healthcare Center, Throckmorton, Texas, Respondent left the facility while on duty, without notice or authorization, and without shift coverage by licensed personnel. During Respondent's absence Resident AD, who was assigned to Respondent, sustained a fall. Respondent's conduct created an unsafe environment and unnecessarily exposed the residents to risk of injury.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(I) and 217.12 (1)(A),(1)(B),(4)&12.

CHARGE II.

On or about October 15, 2007, while employed as a Charge Nurse with Throckmorton Healthcare Center, Throckmorton, Texas, Respondent failed to appropriately assess and intervene when Resident A.D. was found on the floor, including failing to notify the resident's physician, family and facility staff. When initially questioned by the Director of Nursing, Respondent denied that the resident had fallen. Respondent's conduct was deceptive and was likely to injure the resident from undetected and, consequently, untreated injuries.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(P)&(2)(A) and 217.12 (1)(A),(1)(B)&(4).

CHARGE III.

On or about October 15, 2007, while employed as a Charge Nurse with Throckmorton Healthcare Center, Throckmorton, Texas, Respondent failed to document in the medical record that Resident A.D. had been found on the floor after sustaining a possible fall. Respondent's conduct was deceptive, resulted in an incomplete medical record, and was likely to injure the resident in that subsequent care givers would not have complete information on which to base their care decisions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and 217.12 (1)(A),(1)(B),(1)(C)&(4).

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 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 § 301.461, TEX. OCC. CODE ANN. 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 (\$1200.00).

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 and Deception, which can be found at the Board's website, www.bon.state.tx.us.

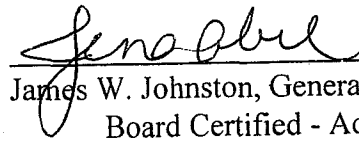
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Board Order dated March 4, 2003.

Filed this 5th day of February, 2010.

TEXAS BOARD OF NURSING



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

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

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

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: Agreed Board Order dated March 4, 2003.

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BOARD OF VOCATIONAL
NURSE EXAMINERS

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STATE OF TEXAS

VS.

CHARLES ALLEN ROCKENBAUGH

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 145530 held by CHARLES ALLEN ROCKENBAUGH, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. Respondent was employed as a licensed vocational nurse with Continuous Care Solutions in Hurst, Texas while assigned to Community Hospice of Texas in Fort Worth, Texas from about April 27, 2000 through about July 81, 2002.

b. While so employed at said facility, on or about July 18, 2002 Respondent was negligent by leaving patient V.W. unattended during his shift, although said patient was exhibiting signs of pronounced confusion and restlessness. Said patient fell from bed and sustained injuries requiring hospitalization and later expired due to an intracranial hemorrhage.

AGREED BOARD ORDER
RE: CHARLES ALLEN ROCKENBAUGH, LVN #145530
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By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 145530, heretofore issued to CHARLES ALLEN ROCKENBAUGH to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.

2. That Respondent shall comply with Federal State, and local laws, and all provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.
4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
5. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
6. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. five.
7. That if Respondent is employed as a private duty, temporary agency, or home health nurse, Respondent shall cause his/her nurse supervisor(s) to conduct and document weekly supervisory reviews and/or supervised visits of all medical records of patients assigned to Respondent. While so employed, Respondent shall be responsible for causing his/her nurse supervisor(s) to submit said required documentation in the form of satisfactory reports directly to the Board office, as provided in Stipulation No. five.
8. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.
9. That Respondent shall return their license to the Board office for a replacement license marked "**PROBATION**" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's ratification of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

AGREED BOARD ORDER
RE: CHARLES ALLEN ROCKENBAUGH, LVN #145530
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This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 7th day of February, 2003.

Charles Allen Rockenbaugh
Signature of Respondent

507 W Hamilton
Current Address

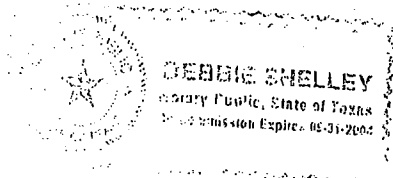
Dince TX 76037
City, State and Zip

940 / 564-3619
Area Code and Telephone Number

The State of Texas
County of Young

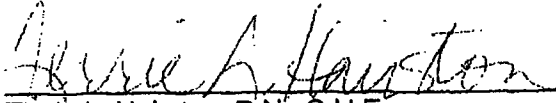
Before me, the undersigned authority, on this day personally appeared CHARLES ALLEN ROCKENBAUGH, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 7th day of February, 2003.



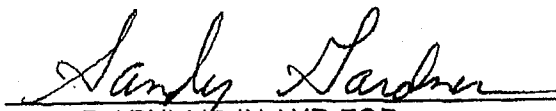
Debbie Shelley
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: CHARLES ALLEN ROCKENBAUGH, LVN #145530
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Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
4th day of March, 2003.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: CHARLES ALLEN ROCKENBAUGH, LVN #145530
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,
notarized on the 7th day of February, 2003 by Respondent, license number 145530 and that
Said Order is Final.

Effective this 4th day of March, 2003


Terrie L. Hairston, RN, CHE
Executive Director
On Behalf of Said Board

BOARD ORDER


RE: CHARLES ALLEN ROCKENBAUGH, LVN #145530

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

CHARLES ALLEN ROCKENBAUGH
507 W. HAMILTON
OLNEY TX 76374


Terrie L. Hairston, RN, CHE
Executive Director
Agent for the Board of Vocational Nurse Examiners