

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 176931
ISSUED TO
CURLEY ANN MYRICK

§
§
§
§
§
§
§
§

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 A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Curley Ann Myrick
11531 Socorro Lane
Tomball, Texas 77377

During open meeting held in Austin, Texas, on February 12, 2008, 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 176931, previously issued to CURLEY ANN MYRICK, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 176931, previously issued to CURLEY ANN MYRICK, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 12th day of February, 2008.

TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2008 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):

Curley Ann Myrick
11531 Socorro Lane
Tomball, Texas 77377

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 176931, Issued to §
CURLEY ANN MYRICK, Respondent § **BOARD OF NURSING**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CURLEY ANN MYRICK, is a Vocational Nurse holding license number 176931, which is in delinquent 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 December 28, 2003, while employed as a Staff Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to administer intravenous (IV) Zithromax to Patient Medical Record Number 351892043360, as ordered by the physician. When Respondent was later informed by the oncoming nurse that she found the IV bag containing the Zithromax scheduled to be administered at 0900 in the patient's sink area at 1900 hours, Respondent inappropriately re-scheduled the administration time on the patient's Medication Administration Record to 2000 hours, without notifying the physician. Additionally, Respondent failed to document the circumstances regarding the missed dose of Zithromax and to notify the physician. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that failure to administer medications as ordered by the physician and failure to notify the physician could have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11 (2),(3)&(27)(K)(eff. to 9/28/04).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

CHARGE II.

On or about February 10, 2004, while employed as a Staff Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to timely administer medications to Patient Number 342386514039, and inappropriately documented earlier medication administration times on the Medication Administration Record, as follows:

Medication	Time Withdrawn from the Pyxis Medication Dispensing System	Time Documented on the Medication Administration Record
Lasix (Furosemide)	1006	0701
Antivert (Meclizine)	1007	0900
Aggrenox (Aspirin/Persantine)	1236	0900

Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11 (2),(4)&(27)(K)(eff. to 9/28/04).

CHARGE III.

On or about February 10, 2004, while employed as a Staff Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to administer medications in a timely manner to Patient Number 342386514039, as follows:

Medication	Scheduled Administration Time	Time Withdrawn from the Pyxis Medication Dispensing System	Time Administered
Citracal Plus D (Calcium)	0800	1206	1007
Trental (Pentoxifylline)	0900	1008	1007
Rocephin (Ceftriaxone)	0900	1206	1207

Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11 (2)&(27)(K)(eff. to 9/28/04).

CHARGE IV.

On or about February 10, 2004, while employed as a Staff Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to inform the physician that Patient Number 342386514039 had difficulty swallowing medications and had vomited twice while attempting to swallow medications. Respondent's conduct was likely to injure the patient from clinical decisions by the physician which were based upon incomplete information.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(3)(eff. to 9/28/04).

CHARGE V.

On or about February 10, 2004, while employed as a Staff Nurse with Memorial Hermann Northwest Hospital, Houston, Texas, Respondent erroneously documented in the medical record of Patient Number 342386514039 that he had refused medications. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(3)(eff. to 9/28/04).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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).

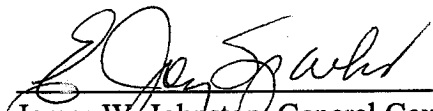
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

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.

Filed this 3rd day of December, 2007.

TEXAS BOARD OF NURSING



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

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

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

0999/D