

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 207948
ISSUED TO
JAMES DAVID RAULSTEN

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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: James David Raulsten
1126 Dorthy
Corpus Christi, Texas 78412

During open meeting held in Austin, Texas, on August 18, 2009, 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 207948, previously issued to James David Raulsten, 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 multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 18th day of August, 2009.


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 25 day of August, 2009, 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 David Raulsten
1126 Dorthy
Corpus Christi, Texas 78412

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 207948, Issued to §
JAMES DAVID RAULSTEN, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAMES DAVID RAULSTEN, is a Vocational Nurse holding license number 207948, 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 April 30, 2008, while employed as a Registered Nurse with The Palms Nursing and Rehabilitation, Corpus Christi, Texas, Respondent signed out two (2) Lortab 10/500 tablets at 9:00 p.m. for patient S.G., but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/ or nurse's notes. Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.

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)(D)(iv)&(v), and 22 TEX. ADMIN. CODE §217.12(1)(C)&(10)(B).

CHARGE II.

On or about April 30, 2008, while employed as a Registered Nurse with The Palms Nursing and Rehabilitation, Corpus Christi, Texas, Respondent signed out two (2) Lortab 10/500 tablets at 9:00 p.m for Patient S.G., but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(C)&(11)(B).

CHARGE III.

On or about May 1, 2008, while employed as a Registered Nurse with The Palms Nursing and Rehabilitation, Corpus Christi, Texas, Respondent misappropriated Lortab for his own personal use from the facility and the patients thereof. Respondent's conduct was likely to defraud the facility

and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)&(8).

CHARGE IV.

On or about May 1, 2008, while employed as a Registered Nurse with The Palms Nursing and Rehabilitation, Corpus Christi, Texas, Respondent engaged in the intemperate use of Norpropoxyphene, Propoxyphene and Metabolites, Morphine, and Codeine, in that he produced a specimen for a drug screen which resulted positive for Norpropoxyphene, Propoxyphene and Metabolites, Morphine, and Codeine. Possession of Norpropoxyphene, Propoxyphene and Metabolites, Morphine, and Codeine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Norpropoxyphene, Propoxyphene and Metabolites, Morphine, and Codeine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D),(11)(B).

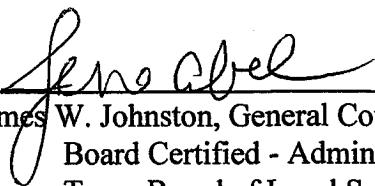
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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).

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 Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder Lying and Falsification Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 4th day of May, 2009.

TEXAS BOARD OF NURSING


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