



5. Respondent's professional and vocational nursing employment history includes:

1993	LVN	Orange County Sheriff Department Orange, Texas
1993 - 2004	RN	Memorial Hermann Baptist Hospital Orange, Texas
2004	RN	Consolidated Healthcare Beaumont, Texas
2004 - 2006	RN	Continue Care of Southeast Texas Orange, Texas
2/2006 - 2008	RN	The Medical Center of Southeast Texas Port Arthur, Texas
2008 - Present	RN	Medquick Staffing, Inc. Nederland, Texas
2008 - Present	RN	Advantage Plus Homecare Orange, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with The Medical Center of Southeast Texas, Emergency Department, Port Arthur, Texas, and had been in this position for two (2) years and three (3) months.

7. On or about May 16, 2008, while employed with The Medical Center of Southeast Texas, Emergency Department, Port Arthur, Texas, Respondent failed to accurately and completely document comprehensive nursing assessments, nursing care rendered, patient responses to nursing care, medication administered or communication with other health care professionals for Patient Medical Record Number 047734 (GJ), after the patient had experienced a cardiac arrest. Patient GJ subsequently experienced a second cardiac arrest within five (5) minutes of being transferred out of the Emergency Department. Respondent's conduct resulted in an inaccurate and incomplete medical record and was likely to injure the patient in that subsequent care givers would not have correct information on which to base their care decisions.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states:

"... I failed to accurately and completely document care given and responses to meds, assessment, and communication. After speaking with several coworkers concerned over what happened as well as the group of ER coworkers that sat in on my peer review, they advised it could have and has happened to others. I was dismayed by the lack of accuracy displayed

on this document as I pride myself on completing accurate patient records and - with this one exception - always do, as evidenced by not having formal reprimands for this. The bottom line is, regardless of what happened, I should've rechecked the documentation and have done so religiously since this incident."

### 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)&(D) and 217.12(1)(A)&(1)(B).
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 618085 and Vocational Nurse License Number 144433, heretofore issued to LARRY EDWARD DUBKE, including revocation of Respondent's licenses to practice professional and vocational 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 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 this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a

multistate licensure 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 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 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>.*

(3) 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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

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

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

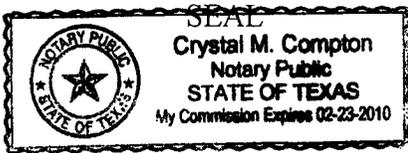
Signed this 9<sup>th</sup> day of August, 2009.

Larry E. Dubke  
LARRY EDWARD DUBKE, Respondent

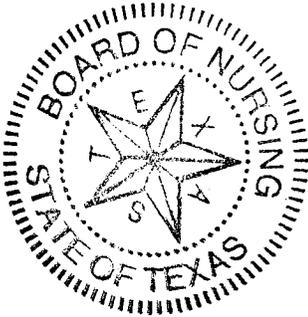
Sworn to and subscribed before me this 9<sup>th</sup> day of August, 2009.

Crystal M. Compton

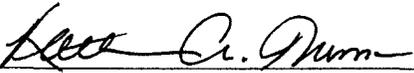
Notary Public in and for the State of Texas



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 9th day of August, 2009, by LARRY EDWARD DUBKE, Registered Nurse License Number 618085 and Vocational Nurse License Number 144433, and said Order is final.



Effective this 17th day of August, 2009.

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