

4. Petitioner's vocational nursing employment history includes:

10/98 - 4/06	GVN/LVN	NurseFinders Fort Worth, Texas
01/02 - 07/03	LVN	Precision Staffing Fort Worth, Texas
2003 - 2005	LVN	Med Staffing Plano, Texas
02/04 - 03/05	LVN	Kindred Hospital Fort Worth, Texas
04/06 - 04/06	LVN	Favorite Nurses Dallas, Texas
05/06 - 11/06	Unknown	
12/06 - 06/07	LVN	Epic Medstaff Fort Worth, Texas
07/07 - Present	Not employed in nursing	

5. On August 3, 2007, the Board of Nurse Examiners for the State of Texas accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and August 3, 2007, Order is attached and incorporated, by reference, as a part of this Order.
6. On or about August 4, 2008, Petitioner submitted a Petition for Reinstatement of his License to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
- 7.1. Letter of support, dated February 11, 2009, written by Toni Corbin, states that he has known Mr. Reed since October 2002, when he worked as an LVN for Nursefinders, Fort Worth, Texas. Mr. Reed states that he has been impressed by Petitioner's attitude toward his work and willingness to go above and beyond the call of duty. Mr. Corbin recommends reinstatement of Petitioner's nursing license.

- 7.2. Letter of support, dated February 13, 2009, written by Jana Wilkerson, Staffing Manger, Nursefinders, Bedford, Texas, states that Petitioner worked for Nursefinders in August of 2004 and was very professional, efficient, and willing to do what was needed to get the job done. Petitioner is loyal and dependable.
- 7.3. Letter of support, written by Rev. Raymond Stepheny, Associate Minister, Great Commission Baptist Church, states that he has known Petitioner for sixteen (16) years, and he is very caring and considerate. Petitioner has been a member of the Great Commission Baptist Church since 1995, and is very active with the youth of the church. Petitioner is on the Health Ministry which consists of various healthcare professionals within the church family. Mr. Stepheny recommends reinstatement of Petitioner's nursing license.
- 7.4. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of ALBERT LEE REED, JR., Vocational Nurse License Number 172779, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to ALBERT LEE REED, JR., shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence and ethics. PETITIONER 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) contact 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. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(5) PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(7) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be

submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(8) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

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

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PETITIONER'S CERTIFICATION

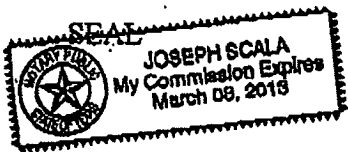
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of April, 2009.

Albert L. Reed, Jr.
ALBERT LEE REED, JR., Petitioner

Sworn to and subscribed before me this 17 day of April, 2009.



Joseph Scala
Notary Public in and for the State of Texas

Approved as to form and substance.

Louis Leichter
LOUIS LEICHTER, Attorney for Petitioner

Signed this 20 day of April, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of April, 2009, by ALBERT LEE REED, JR., Vocational Nurse License Number 172779, and said Order is final.

Effective this 12th day of May, 2009.



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

Respondent's vocational nursing employment history continued:

02/04 - 03/05	LVN	Kindred Hospital Fort Worth, Texas
04/06 - 04/06	Agency LVN	Favorite Nurses Dallas, Texas
05/06 - Present	Unknown	

5. **Formal Charges were filed on October 22, 2006. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.**
6. **Formal Charges were mailed to Respondent on October 24, 2006.**
7. **On July 31, 2007, Respondent returned License Number 172779 and submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas.**
8. **The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.**
9. **The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.**

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)(D)(i)(ii)(iv) and 217.12(6)(A)(G)(H)&(10)(B)(C).**
4. **Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.**
5. **Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.**
6. **Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.**

ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 172779, heretofore issued to ALBERT LEE REED, JR., to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 3rd day of August, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

In the Matter of Permanent License
Number 172779, Issued to
ALBERT LEE REED, JR., Respondent

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BEFORE THE BOARD
OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALBERT LEE REED, JR., is a Vocational Nurse holding license number 172779, 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 April 14, 2006, while employed with Favorite Nurses, Dallas, Texas, and working at the University of Texas Southwestern Medical Center, Dallas, Texas, Respondent falsified the medical record of Patient Medical Record Number 005745908 in that Respondent documented the administration of Morphine in the patient's medical record, however, the medication was not actually administered to the patient as evidenced by a laboratory report which showed that the level of Morphine in the patient's system was inconsistent with the amount of medication Respondent documented administering. Respondent's documentation in the patient's medical record regarding the administration of Morphine is as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/14/06@1255	005745908	MORPHINE 2MG SYR	MORPHINE 1- 2MG IV Q 2 HRS PRN SEVERE PAIN	1330- 2MG	1330-2MG	NO
4/14/06@1523	005745908	MORPHINE 2MG SYR	MORPHINE 1- 2MG IV Q 2 HRS PRN SEVERE PAIN	1540- 2MG	1540-2MG	NO
4/14/06@1719	005745908	MORPHINE 2MG SYR	MORPHINE 1- 2MG IV Q 2 HRS PRN SEVERE PAIN	1726	1726-2MG	NO
4/14/06@1740	005745908	MORPHINE 2MG SYR	MORPHINE 1- 2MG IV Q 2 HRS PRN SEVERE PAIN	1744	1744-2MG	NO
4/14/06@1751	005745908	MORPHINE 2MG SYR	MORPHINE 2MG IV Q 5 MINS UNTIL PAIN SCORE 3	1750	1750-2MG	NO

4/14/06@1814	005745908	MORPHINE 2MG SYR	MORPHINE 2MG IV Q 5 MINS UNTIL PAIN SCORE 3	1830	1830-2MG	NO
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Respondent's conduct was to likely to deceive subsequent care givers who would rely on his documentation to further medicate the patient, and 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 §217.12(6)(A),(H)&(10)(B).

CHARGE II.

On or about April 14, 2006, while employed with Favorite Nurses, Dallas, Texas, and working at the University of Texas Southwestern Medical Center, Dallas, Texas, Respondent withdrew Fentanyl patches and Morphine from the Pyxis medication dispensing system for Patient Medical Record Number 005745908, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Record (MAR) and Nurses Notes, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/14/06@1813	005745908	FENTANYL 25MCG PATCH	FENTANYL 25MCG Q 72 HRS	NO	NO	NO
4/14/06@1823	005745908	MORPHINE 2MG SYR	MORPHINE 2MG IV Q 5 MINS UNTIL PAIN SCORE 3	NO	NO	NO
4/14/06@1853	005745908	FENTANYL 25MCG PATCH	FENTANYL 25MCG Q 72 HRS	NO	NO	NO

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient which could have resulted 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).

CHARGE III.

On or about April 14, 2006, while employed with Favorite Nurses, Dallas, Texas, and working at the University of Texas Southwestern Medical Center, Dallas, Texas, Respondent withdrew Morphine and Fentanyl patches from the Pyxis medication dispensing system for Patient Medical Record Number 005745908, but failed to follow the policy and procedures for the wastage of the medication. 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 is a violation of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(10)(C).

CHARGE IV.

On or about April 14, 2006, while employed with Favorite Nurses, Dallas, Texas, and working at the University of Texas Southwestern Medical Center, Dallas, Texas, Respondent misappropriated Morphine and Fentanyl belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the patient and the facility 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 is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

CHARGE V.

On or about April 14, 2006, while employed with Favorite Nurses, Dallas, Texas, and working at the University of Texas Southwestern Medical Center, Dallas, Texas, Respondent failed to document the post-operative vital signs of Patient Medical Record Number 005745908, who ultimately expired on April 15, 2006. Respondent's conduct was likely to injure the patient in that subsequent care givers were lacking complete information on which to base their care.

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)(i)&(ii).

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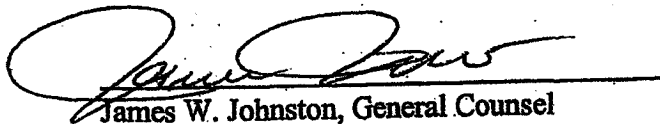
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose an administrative fine as authorized by 22 TEX. ADMIN. CODE § 213.32 and 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.bne.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 Chemical Dependency, Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, www.bne.state.tx.us.

Filed this 23rd day of October, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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