

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 605182
ISSUED TO
DAVID KEITH VINCENT

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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 A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: David Keith Vincent
117 Seaman
Silsbee, TX 77656

During open meeting held in Austin, Texas, on Tuesday, May 12, 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 professional 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 605182, previously issued to DAVID KEITH VINCENT, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 605182, previously issued to DAVID KEITH VINCENT, 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 professional nursing in the State of Texas.

Entered this 12th day of May, 2009.

TEXAS BOARD OF NURSING

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

Re: Permanent Certificate Number 605182
Issued to DAVID KEITH VINCENT
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 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):

David Keith Vincent
117 Seaman
Silsbee, TX 77656

BY:


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

**In the Matter of Permanent License
Number 605182, Issued to
DAVID KEITH VINCENT, Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAVID KEITH VINCENT, is a Registered Nurse holding license number 605182, 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 May 20, 2008 through June 1, 2008, while employed as a Registered Nurse with CHRISTUS Hospital-St. Elizabeth, Beaumont, Texas, Respondent withdrew and/or administered Dilaudid, Demerol, Lyrica and Vicodin from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' orders, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Wastage
05/20/08	301670	Dilaudid 1-2mg Q2-3hrs PRN	Dilaudid 2mg (1) @ 15:14 Dilaudid 2mg (1) @ 15:23 Dilaudid 2mg (1) @ 16:06	15:31 (2mg) 16:10 (2mg)	16:10-Wasted 2mg witnessed by RHR
05/21/08	292502	Demerol 12.5-25mg Q2-3hrs PRN	Demerol 25mg (1) @ 15:19 Demerol 25mg (1) @ 17:04 Demerol 25mg (1) @ 18:30 Demerol 25mg (1) @ 20:02 Demerol 25mg (1) @ 21:11	15:39 (25mg) 17:07 (25 mg) 18:34 (25mg) 20:08 (25mg) 21:14 (25mg)	

05/21/08	305350	Dilaudid 1-2mg Q4-6hrs PRN	Dilaudid 2mg (1) @ 15:48 Dilaudid 2mg (1) @ 17:37 Dilaudid 2mg (1) @ 18:30 Dilaudid 2mg (1) @ 20:02	15:54 (2mg) 17:41 (2mg) 19:06 (2mg) 20:06 (2mg)	
05/21/08	306444	Dilaudid 0.5-1mg Q3hrs PRN	Dilaudid 2mg (1) @ 19:32 Dilaudid 2mg (1) @ 21:33	19:36 (1mg) 21:37 (1mg)	19:32-Wasted 1mg witnessed by TD 21:33-Wasted 1mg witnessed by SMH
05/22/08	301908	Dilaudid 2mg Q4hrs PRN	Dilaudid 2mg (1) @ 19:15 Dilaudid 2mg (1) @ 19:30	19:15 (2mg) 21:01 (2mg)	20:12-Wasted 2mg witnessed by PMS
05/22/08	299243	Dilaudid 1mg Q2hrs PRN	Dilaudid 2mg (1) @ 19:28 Dilaudid 2mg (1) @ 20:42 Dilaudid 2mg (1) @ 21:45	19:30 (1mg) 20:46 (1mg) 21:51 (1mg)	
05/23/08	301908	Dilaudid 2mg Q4hrs PRN	Dilaudid 2mg (1) @ 15:14 Dilaudid 2mg (1) @ 16:20 Dilaudid 2mg (1) @ 18:33 Dilaudid 2mg (1) @ 20:37	15:14 (2mg) 16:25 (2mg) 18:37 (2mg) 20:40 (2mg)	
05/25/08	308113	Dilaudid 1-2mg Q3hrs PRN	Dilaudid 2mg (1) @ 15:13 Dilaudid 2mg (1) @ 16:52 Dilaudid 2mg (1) @ 18:23 Dilaudid 2mg (1) @ 21:14	15:13 (2mg) 16:52 (2mg) 18:53 (2mg) 21:19 (2mg)	

05/25/08	307240	Demerol 100mg Q4hrs PRN	Demerol 50mg (2) @ 15:13 Demerol 50mg (2) @ 17:14 Demerol 50mg (2) @ 18:46 Demerol 50mg (2) @ 20:00 Demerol 50mg (2) @ 21:09	15:13 (100mg) 17:14 (100mg) 18:45 (100mg) 20:00 (100mg) Not Documented	
05/25/08	307240	Dilaudid 1-2mg Q3hrs PRN	Dilaudid 2mg (1) @ 15:28 Dilaudid 2mg (1) @ 17:17 Dilaudid 2mg (1) @ 18:45 Dilaudid 2mg (1) @ 20:09	15:28 (2mg) 17:17 (2mg) 18:45 (2mg) 20:09 (2mg)	
05/25/08	307899	Dilaudid 1mg Q4hrs PRN	Dilaudid 2mg (1) @ 15:58 Dilaudid 2mg (1) @ 18:51 Dilaudid 2mg (1) @ 20:00 Dilaudid 2mg (1) @ 22:04	15:58 (1mg) Not Documented 20:00 (1mg) 22:09 (1mg)	22:05-Wasted 1mg witnessed by MM 22:05-Wasted 1mg witnessed by MM. Failed to waste or doc 1mg. 22:05-Wasted 1mg witnessed by MM 22:05-Wasted 1mg witnessed by MM
05/25/08	308147	Demerol 25-50mg Q4hrs PRN	Demerol 25mg (2) @ 18:50 Demerol 25mg (2) @ 22:22	18:50 (50mg) 22:27 (50mg)	
05/26/08	308113	Dilaudid 1-2mg Q3hrs PRN	Dilaudid 2mg (1) @ 19:01 Dilaudid 2mg (1) @ 19:38 Dilaudid 2mg (1) @ 20:24 Dilaudid 2mg (1) @ 20:54	19:00 (2mg) Not Documented 20:30 (2mg) 21:24 (2mg)	20:07-Wasted 2mg witnessed by RHR 20:07-Wasted 1mg witnessed by RHR

05/26/08	308147	Demerol 25-50mg Q4hrs PRN	Demerol 25mg (2) @ 19:01 Demerol 25mg (2) @ 20:58 Demerol 25mg (2) @ 21:27	19:00 (50mg) 21:32 (50mg)	21:27-Wasted 50mg witnessed by CB
05/27/08	306444	Dilaudid 0.5-1mg Q3hrs PRN	Dilaudid 2mg (1) @ 15:26 Dilaudid 2mg (1) @ 16:18	15:26 (1mg) 16:24 (1mg)	
05/29/08	302153	Dilaudid 1-2mg Q2hrs PRN	Dilaudid 2mg (1) @ 14:58 Dilaudid 2mg (1) @ 15:12 Dilaudid 2mg (1) @ 16:11 Dilaudid 2mg (1) @ 17:26 Dilaudid 2mg (1) @ 19:30	15:10 (2mg) Not Documented 17:31 (2mg) 19:34 (2mg)	16:12-Wasted 2mg witnessed by ERW
05/29/08	302153	Vicodin 7.5/750 1-2 tabs Q4-6hrs PRN	Vicodin 7.5/750 (2) @ 19:30 Vicodin 7.5/750 (2) @ 22:25	19:34 (2) 22:29 (2)	
05/29/08	302153	Lyrica 100mg BID (0900/2100)	Lyrica 100mg (1) @ 20:14	20:17 (100mg)	(scheduled med to be administered at 2100)
06/01/08	311536	Dilaudid 2mg Q3-4mg PRN	Dilaudid 2mg (1) @ 14:53 Dilaudid 2mg (1) @ 15:26 Dilaudid 2mg (1) @ 17:08 Dilaudid 2mg (1) @ 19:02 Dilaudid 2mg (1) @ 20:50 Dilaudid 2mg (1) @ 22:40	15:00 (2mg) 16:00 (2mg) 17:15 (2mg) 19:10 (2mg) 20:50 (2mg) 22:47 (2mg)	

06/01/08	309550	Dilaudid 0.5-1mg Q2hrs PRN	Dilaudid 2mg (1) @ 16:12	16:18 (0.5mg)	16:12-Wasted 1.5mg witnessed by DAM
			Dilaudid 2mg (1) @ 17:08	17:15 (1mg)	
			Dilaudid 2mg (1) @ 18:24	18:30 (1mg)	
			Dilaudid 2mg (1) @ 19:37	Not Documented	
			Dilaudid 2mg (1) @ 20:49	20:50 (0.5mg)	

Respondent's conduct was likely to injure the patient in that the administration of Dilaudid, Demerol, Lyrica and Vicodin in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions and is 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4)&(11)(B).

CHARGE II.

On or about May 22, 2008 through June 1, 2008, while employed as a Registered Nurse with CHRISTUS Hospital-St. Elizabeth, Beaumont, Texas, Respondent withdrew Valium, Vicodin, Dilaudid and Demerol from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patient's Medical Administration Records (MAR) and/or nurse's notes, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Comment
05/22/08	301908	Valium 10mg Q24hrs. Daily prior to XRT	Valium 10mg (1) @ 21:47	18:00 (10mg)	
05/25/08	307240	Demerol 100mg Q4hrs PRN	Demerol 50mg (2) @ 21:09	Not Documented	
05/25/08	307899	Dilaudid 1mg Q4hrs PRN	Dilaudid 2mg (1) @ 18:51	Not Documented	22:05-Wasted 1mg witnessed by MM. Failed to waste or doc 1mg.
05/25/08	308113	Vicodin 7.5/750 1-2 tabs Q4-6hrs PRN	Vicodin 7.5/750 (2) @ 17:29	Not Documented	
05/26/08	308113	Dilaudid 1-2mg Q3hrs PRN	Dilaudid 2mg (1) @ 19:38	Not Documented	20:07-Wasted 2mg witnessed by RHR

05/29/08	302153	Dilaudid 1-2mg Q2hrs PRN	Dilaudid 2mg (1) @ 15:12	Not Documented	
06/01/08	309550	Dilaudid 0.5-1mg Q2hrs PRN	Dilaudid 2mg (1) @ 19:37	Not Documented	

Respondent's conduct 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)(A)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)&(4).

CHARGE III.

On or about May 22, 2008 through June 1, 2008, while employed as a Registered Nurse with CHRISTUS Hospital-St. Elizabeth, Beaumont, Texas, Respondent withdrew Dilaudid, Vicodin, Demerol and Morphine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of any of the unused portions of the medications, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Wastage
05/22/08	299243	Dilaudid 1mg Q2hrs PRN	Dilaudid 2mg (1) @ 19:28 Dilaudid 2mg (1) @ 20:42 Dilaudid 2mg (1) @ 21:45	19:30 (1mg) 20:46 (1mg) 21:51 (1mg)	Failed to waste 1mg Failed to waste 1mg Failed to waste 1mg
05/25/08	307240	Demerol 100mg Q4hrs PRN	Demerol 50mg (2) @ 21:09	Not Documented	Failed to waste 100 mg
05/25/08	307899	Dilaudid 1mg Q4hrs PRN	Dilaudid 2mg (1) @ 18:51	Not Documented	22:05-Wasted 1mg witnessed by MM. Failed to waste 1mg.
05/25/08	308113	Vicodin 7.5/750 1-2 tabs Q4-6hrs PRN	Vicodin 7.5/750 (2) @ 17:29	Not Documented	Failed to waste 2 tabs
05/27/08	306444	Dilaudid 0.5-1mg Q3hrs PRN	Dilaudid 2mg (1) @ 15:26 Dilaudid 2mg (1) @ 16:18	15:26 (1mg) 16:24 (1mg)	Failed to waste 1mg Failed to waste 1mg
05/29/08	302153	Dilaudid 1-2mg Q2hrs PRN	Dilaudid 2mg (1) @ 15:12	Not Documented	Failed to waste 2mg
05/29/08	306575	Morphine 10- 15mg Q3hrs PRN	Morphine 10mg (2) @ 16:42	16:42 (15mg)	Failed to waste 5mg

06/01/08	309550	Dilaudid 0.5-1mg Q2hrs PRN	Dilaudid 2mg (1) @ 17:08	17:15 (1mg)	Failed to waste 1mg
			Dilaudid 2mg (1) @ 18:24	18:30 (1mg)	Failed to waste 1mg
			Dilaudid 2mg (1) @ 19:37	Not Documented	Failed to waste 2mg
			Dilaudid 2mg (1) @ 20:49	20:50 (0.5mg)	Failed to waste 1.5mg

Respondent's conduct was likely to deceive the hospital pharmacy and place 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4),(10)(C)&(11)(B).

CHARGE IV.

On or about May 20, 2008 through June 1, 2008, while employed as a Registered Nurse with CHRISTUS Hospital-St. Elizabeth, Beaumont, Texas, Respondent misappropriated Dilaudid, Vicodin, Demerol and Morphine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)(B)&(6)(G).

CHARGE V.

On or about July 26, 2008 through August 4, 2008, while employed as a Registered Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Demerol, Dilaudid and Morphine from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' orders, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Nurse's Notes
07/26/08	738760	Demerol 50mg Q4hrs PRN	Demerol 50mg (1) @ 16:03	Not Documented	16:21-Wasted 50mg withdrawn at 16:03 with witness MN
			Demerol 50mg (1) @ 16:20	16:20 (50 mg)	1620-c/o intense pain upon movement. Medications administered

07/30/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 23:26	Not Documented	No corresponding note
07/31/08			Dilaudid 2mg (1) @ 00:06	00 (midnight) (1mg)	00-Pt resting in bed, ∅ distress noted 00:07-Wasted 2mg withdrawn at 00:06
07/30/08	742629	Dilaudid 0.5mg Q3hrs PRN	Dilaudid 2mg (1) @ 02:27	02:27 (0.5mg)	No corresponding note
07/31/08			Dilaudid 2mg (1) @ 04:38	04:36 (0.5mg)	No corresponding note
			Dilaudid 2mg (1) @ 06:51	06:58 (0.5mg)	No corresponding note
07/30/08	742580	Demerol 100mg Q3hrs	Demerol 100mg (1) @ 23:44	23:45 (100mg)	No corresponding note
07/31/08			Demerol 100mg (1) @ 02:03	02:00 (100mg)	No corresponding note
			Demerol 100mg (1) @ 04:00	04:10 (100mg)	No corresponding note
			Demerol 100mg (1) @ 06:28	06:35 (100mg)	No corresponding note
08/04/08	743993	Morphine 10mg Q3hrs PRN	Morphine 10mg (1) @ 15:13	15:25 (10mg)	15:20-"pt. c/o back pain, administered pain medication."
		Order Changed-Morphine 15mg Q3hrs PRN	Morphine 10mg (2) @ 17:39	17:45 (15mg)	No corresponding note
			Morphine 10mg (2) @ 20:03	20:10 (15mg)	No corresponding note
			Morphine 10mg (2) @ 22:16	22:25 (15mg)	No corresponding note

Respondent's conduct was likely to injure the patient in that the administration of Demerol, Dilaudid and Morphine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions and is 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4)&(11)(B).

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CHARGE VI.

On or about July 26, 2008 through July 31, 2008, while employed as a Registered Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Demerol and Dilaudid from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patient's Medical Administration Records (MAR) and/or nurse's notes, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Nurse's Notes/Wastage
07/26/08	738760	Demerol 50mg Q4hrs PRN	Demerol 50mg (1) @ 16:03	Not Documented	16:21-Wasted 50mg withdrawn at 16:03 with witness MN
07/26/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 17:51	Not Documented	No corresponding note
07/26/08	738760	Demerol 50mg Q4hrs PRN	Demerol 50mg (1) @ 19:30	20:30 (50 mg)	No corresponding note
07/26/08	738760	Dilaudid PCA Pump	Dilaudid PCA 6mg/27mL syringe (1) @ 22:57	Not Documented	2145-Pt asking for sleep medication. Benadryl 50mg SIVP given. (No mention of Dilaudid) PCA Pump discontinued by another nurse at 2300, and restarted at 2350
07/30/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 03:33	Not Documented	No corresponding note
07/30/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 04:06	Not Documented	No corresponding note
07/30/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 23:26	Not Documented	No corresponding note
07/31/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 02:03	Not Documented	No corresponding note
07/31/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 23:37	Not Documented	No corresponding note

Respondent's conduct 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)(A)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)&(4).

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CHARGE VII.

On or about July 26, 2008, while employed as a Registered Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent falsely documented in the Medical Record of Patient 738760 that he administered 10mg of Promethazine on July 26, 2008 at 4:40pm, although he never withdrew the medication from the Medication Dispensing System. Respondent's conduct exposed the patient unnecessarily to a risk of a delay of treatment of her disease process.

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)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4),(6)(A)(H)&(10)(B).

CHARGE VIII.

On or about July 26, 2008 through August 4, 2008, while employed as a Registered Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent withdrew Demerol, Dilaudid and Morphine from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for the wastage of any of the unused portions of the medications, as follows:

Date	Patient ID	Physician's Order	Medication Dispensing System Record	Medication Administration Record	Nurse's Notes/Wastage
07/26/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 17:51	Not Documented	No corresponding note No Wastage
07/26/08	738760	Dilaudid PCA Pump	Dilaudid PCA 6mg/27mL syringe (1) @ 22:57	Not Documented	No Wastage
07/30/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 03:33	Not Documented	No corresponding note No Wastage
07/30/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 04:06	Not Documented	No corresponding note No Wastage
07/30/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 23:26	Not Documented	No corresponding note No Wastage
07/30/08	742629	Dilaudid 0.5mg Q3hrs PRN	Dilaudid 2mg (1) @ 23:27	23:30 (0.5mg)	No corresponding note No Wastage
07/31/08			Dilaudid 2mg (1) @ 02:27	02:27 (0.5mg)	No corresponding note No Wastage
			Dilaudid 2mg (1) @ 04:38	04:36 (0.5mg)	No corresponding note No Wastage
			Dilaudid 2mg (1) @ 06:51	06:58 (0.5mg)	No corresponding note No Wastage
07/31/08	738760	Dilaudid 1mg PRN	Dilaudid 2mg (1) @ 02:03	Not Documented	No corresponding note No Wastage

07/31/08	741927	Demerol 25mg QH PRN	Demerol 25mg (1) @ 23:37	Not Documented	No corresponding note No Wastage
08/04/08	743993	Order Changed- Morphine 15mg Q3hrs PRN	Morphine 10mg (2) @ 17:39	17:45 (15mg)	No corresponding note No Wastage
			Morphine 10mg (2) @ 20:03	20:10 (15mg)	No corresponding note No Wastage
			Morphine 10mg (2) @ 22:16	22:25 (15mg)	No corresponding note No Wastage

Respondent's conduct was likely to deceive the hospital pharmacy and place 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4),(10)(C)&(11)(B).

CHARGE IX.

On or about July through early August 2008, while employed as a Registered Nurse with Memorial Hermann Baptist Hospital, Beaumont, Texas, Respondent misappropriated Demerol, Dilaudid and Morphine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A)(B)&(6)(G).

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 Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 18th day of February, 2009.

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

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