

5. Respondent's professional nursing employment history includes:

11/00 - 6/04	Staff Nurse	Methodist Healthcare System Houston, Texas
7/04 - 9/04	Unknown	
10/04 - present	Staff Nurse	Memorial Hermann Premier Staffing Houston, Texas

6. On December 11, 2006, Respondent was issued the sanction of a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the December 11, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about February 20, 2008, while employed with Memorial Hermann Premier Staffing, Houston, Texas, Respondent engaged in the intemperate use of Butalbital (Fioricet) in that he produced a specimen for a drug screen which resulted positive for Butalbital. Possession of Butalbital without a prescription is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drugs Act). The use of Butalbital 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.
8. On or about February 20, 2008, while employed with the aforementioned facility, Respondent failed to comply with the Agreed Order issued to him on December 11, 2006, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:
- (11) RESPONDENT 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....
9. Respondent states he had a severe headache and took some of his wife's medicine which helped a little to alleviate his headache. Initially, he did not think of the Esgic Plus that he was taking as a barbiturate. He assumed it was a non-narcotic, kind of an extra-strength headache medication. Respondent obviously realizes his poor judgment.
10. 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 violations of Section 301.452(b)(1), (9), and (10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A)&(D) and (11)(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 673695, heretofore issued to ARNOLD SAMUEL RUTA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 673695, previously issued to ARNOLD SAMUEL RUTA, to practice professional nursing in Texas is hereby SUSPENDED, with the suspension STAYED and Respondent is hereby placed on PROBATION with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate 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 the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) The Order of the Board issued to RESPONDENT on December 11, 2006, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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

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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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

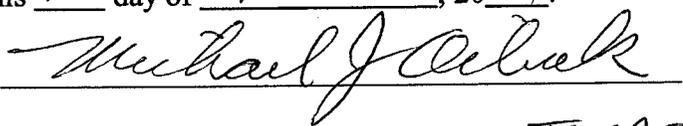
Signed this 19 day of February, 2009.



ARNOLD SAMUEL RUITA, Respondent

Sworn to and subscribed before me this 19 day of FEB, 2009.

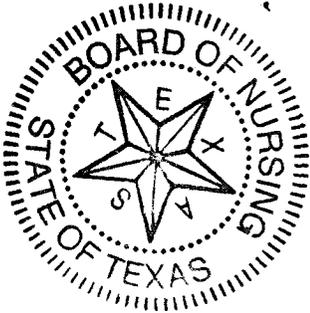


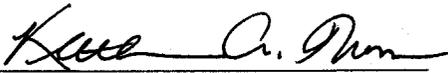


Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of February, 2009, by ARNOLD SAMUEL RUTA, Registered Nurse License Number 673695, and said Order is final.

Effective this 23rd day of April, 2009.





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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse
License Number 673695
issued to ARNOLD SAMUEL RUTA

§ AGREED
§
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ARNOLD SAMUEL RUTA, Registered Nurse License Number 673695, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 28, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Davao Doctors College, Davao City, Philippines, on March 1, 1997. Respondent became licensed to practice professional nursing in the State of Texas on November 8, 2000.

5. Respondent's professional nursing employment history includes:

11/00-6/04	Staff Nurse	Methodist Healthcare System Houston, Texas
6/04-9/04	Unknown	
9/04-Present	Agency Nurse	Premier Staffing Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Methodist Healthcare System, Houston, Texas, and had been in this position for approximately three (3) years and three (3) months.
7. On or about February 17, 2004, through June 15, 2004, while employed with Methodist Healthcare System, Houston, Texas, Respondent misappropriated Darvocet, Tylenol #3, Percocet, Ativan, Norco, Hydrocodone, Dilaudid, Lortab, Morphine Sulfate, Tylenol, Zofran, Imodium, syringes, surgical blades, and disposable scalpels belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications and medical equipment.
8. On or about February 17, 2004, through June 15, 2004, while employed with Methodist Health Care System, Houston, Texas, Respondent withdrew Darvocet, Tylenol #3, Percocet, Ativan, Norco, Hydrocodone, Dilaudid, Lortab, and Morphine Sulfate from the Pyxis Medication Dispensing System for patients, but failed to document the administration of the medications in the patients' Medication Administration Record (MARs), Nurse Notes, or both. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.
9. On or about February 17, 2004, through June 15, 2004, while employed with Methodist Health Care System, Houston, Texas, Respondent withdrew Darvocet, Tylenol #3, Percocet, Ativan, Norco, Hydrocodone, Dilaudid, Lortab, and Morphine Sulfate from the Pyxis Medication Dispensing System for patients, but failed to follow the policy and procedures for the wastage 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).
10. On or about February 17, 2004, through June 15, 2004, while employed with Methodist Health Care System, Houston, Texas, Respondent withdrew Darvocet, Tylenol #3, Percocet, Ativan, Norco, Hydrocodone, Dilaudid, Lortab, and Morphine Sulfate from the Pyxis Medication Dispensing System for patients in excess frequency and/or dosage of the physician's order. Respondent's conduct was likely to injure the patients in that the

administration of Darvocet, Tylenol #3, Percocet, Ativan, Norco, Hydrocodone, Dilaudid, Lortab, and Morphine Sulfate in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

11. On May 10, 2006, and June 15, 2006, Respondent underwent a forensic psychological evaluation performed by Joyce M. Gayles, Ph.D., Clinical Psychologist. Dr. Gayles states that the results from the evaluation show no indications of mental illness, emotional instability, or propensity toward illegal or criminal activity. Although Respondent was found to have a low probability of substance dependence, one scale score on the SASSI-3 suggests that Respondent was responding similar to people who have a significant other who is substance dependent. Upon inquiry, Respondent denied having any family member or significant other who is substance dependent or abusing substances. Dr. Gayles states that Respondent's responses in the initial interview were vague and non-substantial in regard to his misappropriation of medications and supplies. Respondent did, however, admit that he would regularly deviate from standard nursing and hospital practices in regard to the wastage of medications and documentation of the administration of medications. A polygraph exam was conducted on May 24, 2006, by Morris Covin, Licensed Polygraph Examiner. During Mr. Covin's pre-test interview, Respondent said that he would remove medication from the Pyxis for a patient who had been admitted and whose medication profile had already been updated in the Pyxis in order to give the medication to another patient who was newly admitted and had the same medication ordered, but whose ordered medications had not been updated in the Pyxis profile. Respondent further admitted that he has taken Benadryl and Tylenol from the Pyxis for his own personal use. Respondent explained that he had Morphine, a scalpel, and blades in his locker because he is just like a kid and having something like that in his locker made him feel important and big. Respondent stated that he had planned to properly dispose of all of them. Upon inquiry by Dr. Gayles, subsequent to the polygraph exam, Respondent admitted to taking Benadryl and Tylenol up to four times, but he continued to deny ever taking other medications from the facility for his own use.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(18)&(19).
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 673695, heretofore issued to ARNOLD SAMUEL RUTA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional nursing in compact states.

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 deliver the wallet-sized license issued to ARNOLD SAMUEL RUTA, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) 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 on the Board's website, www.bne.state.tx.us (under BNE events).

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS

FOR TWO (2) YEAR(S) 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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly

assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. 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 professional nurse.

(11) RESPONDENT 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, RESPONDENT 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 RESPONDENT 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.**

(12) RESPONDENT 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 once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

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 RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT 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. RESPONDENT 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

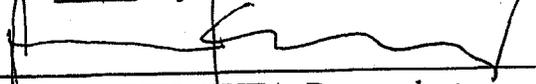
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RESPONDENT'S CERTIFICATION

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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of October, 2006.



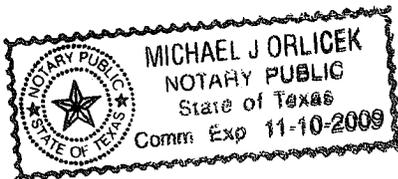
ARNOLD SAMUEL RUTA, Respondent

Sworn to and subscribed before me this 24 day of OCTOBER, 2006.

SEAL



Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 24th day of December, 2006, by ARNOLD SAMUEL RUTA, Registered Nurse License Number 673695, and said Order is final.

Effective this 11th day of December, 2006.



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