



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse License Number 718564 § AGREED  
and Vocational Nurse License Number 195210 §  
issued to RICHARD DOUGLAS FLINCHUM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RICHARD DOUGLAS FLINCHUM, Registered Nurse License Number 718564 and Vocational Nurse License Number 195210, 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 September 22, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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. Respondent hold a license to practice vocational nursing in the State of Texas which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on August 5, 2004, and Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas, on May 13, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on September 28, 2004, and Respondent was licensed to practice professional nursing in the State of Texas on July 12, 2005.

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

08/04-05/05                      GVN/LVN                      Livingston Memorial Medical Center  
Emergency Room  
Livingston, Texas

5/05 - 4/06                      GN/RN                      Livingston Memorial Medical Center  
Emergency Room                      Livingston, Texas

05/06-03/07                      Not employed in nursing

03/07-04/07                      RN                      Hospice Care of the Southwest  
Livingston, Texas

04/07-Present Unknown

6. On June 9, 2005, Respondent was issued an Order of Conditioned Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Findings and Fact, Conclusions of Law, and Order of Conditioned Eligibility, dated June 9, 2005, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Hospice Care of the Southwest, Livingston, Texas, and had been in this position for approximately one (1) month.
8. On or about April 18, 2007, while employed as a Registered Nurse with Hospice Care of the Southwest, Livingston, Texas, Respondent assumed possession of a boat, motor, trailer and depth finder belonging to the husband of Hospice Care of the Southwest Patient #866 (a patient under Respondent's care). On or about April 20, 2007, Respondent purchased the boat, motor, trailer and depth finder from the patient's husband for three thousand five hundred dollars (\$3500) cash. Respondent's conduct violated boundaries of the nurse/client relationship, which may have interfered with therapeutic treatment of the patient.
9. In response to Finding of Fact Number Eight (8), Respondent states: He would never assume possession of anything from any client. Respondent states that he purchased the boat for \$3500 from a gentleman who was not his client, nor the client of the agency in which he was employed. Respondent states that the gentlemen asked him on several occasions to buy the boat from him as he hadn't been able to use it due to poor vision.

#### 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(D).
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 718564, and Vocational Nurse License Number 195210, heretofore issued to RICHARD DOUGLAS FLINCHUM, 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 WITH A FINE, 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 professional and vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to RICHARD

DOUGLAS FLINCHUM to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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 Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) 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) 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. 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>

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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/boundaries/boundariesabout.asp>.

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 and vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 violation 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 license to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5 day of MAY, 2009.

Richard Douglas Flinchum

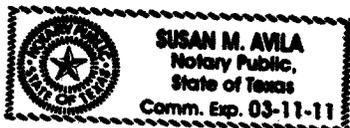
RICHARD DOUGLAS FLINCHUM, Respondent

Sworn to and subscribed before me this 5th day of May, 2009.

SEAL

Susan M. Avila

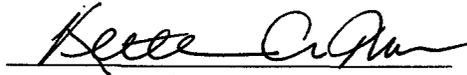
Notary Public in and for the State of TEXAS



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 5th day of May, 2009, by RICHARD DOUGLAS FLINCHUM, Registered Nurse License Number 718564 and Vocational Nurse License Number 195210, and said Order is final.



Effective this 7<sup>th</sup> day of May, 2009.



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