



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

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In the Matter of Vocational § AGREED  
License Number 180281 §  
issued to ROBERT MICHAEL LEE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROBERT MICHAEL LEE, Vocational Nurse License Number 180281, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 5, 2007, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Texas Careers School of Vocational Nursing, San Antonio, Texas, on February 23, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on May 30, 2001.
5. Respondent's vocational nursing employment history includes:

05/2001 - 2002	Unknown	
2003 - 10/2004	Treatment Nurse Supervisor	Lakeshore Village Waco, Texas

Respondent's vocational nursing employment history continued:

11/2004 - 01/2005	Treatment Nurse	Silver Creek Manor San Antonio, Texas
01/2005 - Unknown	Staff Nurse	Caprock Home Health Service San Antonio, Texas
01/2005 - 04/2005	Home Health Nurse	Millennium Home Health Care San Antonio, Texas
05/2005 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Home Health Nurse with Millennium Home Health Care, San Antonio, Texas, and had been in this position for two (2) months.
7. On or about March 5, 2005, through April 2, 2005, while employed as Staff Nurse with Millennium Home Health Care Services, San Antonio, Texas, Respondent failed to appropriately and completely document in the medical records of patients the status of wounds and wound care he performed, as follows:

Date	Patient Number	Documentation in the Medical Record
3/5/05	MC653-001	Respondent documented no assessment of the patient's wound.
4/2/05	MC667-001	Respondent failed to document the actual appearance of the wound, and instead, documented that the wound was "undressed and unclean."

Respondent's conduct resulted in an inaccurate, incomplete medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation in order to provide further patient care.

8. On or about March 5, 2005, through April 3, 2005, while employed as Staff Nurse with Millennium Home Health Care Services, San Antonio, Texas, Respondent failed to perform wound care on patients, as ordered, and instead, performed wound care treatments without physicians' orders, as follows:

Date	Patient Number	Wound Care Performed	Physician's Order
3/5/05	MC653-001	Silvasorb	Duoderm
4/1/05 - 4/3/05	MC667-001	Accuzume	None

Respondent's conduct was likely to injure the patients in that failure to administer treatments as ordered by physicians could have resulted in non-efficacious treatments.

9. On or about April 1, 2005, while employed as Staff Nurse with Millennium Home Health Care Services, San Antonio, Texas, Respondent failed to notify the physician that Patient Number MC660-001 had fallen and sustained an injury to his right leg. Instead, Respondent applied Triple Antibiotic Ointment to the patient's wound, without a physician's order, and instructed the family to call the physician if the patient showed any signs and symptoms of infection or pain in his hip or back. Respondent's conduct deprived the patient of the benefit of a physician's care and placed the patient at risk from undetected complications from the fall.
10. On or about September 22, 2005, Respondent plead nolo contendere to "Possession of Dangerous Drugs," (a Class A Misdemeanor offense committed on January 3, 2005) in the County Court at Law No. 5, Bexar County, Texas, Cause Number 911062. As a result of the plea, the findings were deferred and Respondent was placed on adult probation for a period of one (1) year. Respondent's conduct was likely to injure the public.
11. On or about June 28, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered, "no" to the following question:

"Have you ever been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory, or county, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without a prejudice of guilt."

On or about September 22, 2005, Respondent plead nolo contendere to "Possession of Dangerous Drugs," (a Class A Misdemeanor offense committed on January 3, 2005) in the County Court at Law No. 5, Bexar County, Texas, Cause Number 911062. As a result of the plea, the findings were deferred and Respondent was placed on adult probation for a period of one (1) year.

Respondent's conduct was deceptive and may have affected the Board's decision regarding his license renewal.

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### 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)(3), (10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (1)(B),(1)(C),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B),(4),(6)(I),&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 180281, heretofore issued to ROBERT MICHAEL LEE, including revocation of Respondent's license to practice 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 FINE, 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 Vocational 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 vocational 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 deliver the wallet-sized license issued to ROBERT MICHAEL LEE to the office of the Texas Board of Nursing within ten (10) days of 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 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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/about/stipscourses.html>.*

(4) 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/about/stipscourses.html>*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). 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.

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

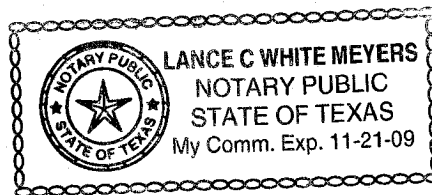
Signed this 21<sup>st</sup> day of November, 2007.

  
ROBERT MICHAEL LEE, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of November, 2007.

SEAL

  
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 21st day of November, 2007, by ROBERT MICHAEL LEE, Vocational Nurse License Number 180281, and said Order is final.

Effective this 28th day of November, 2007.



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