

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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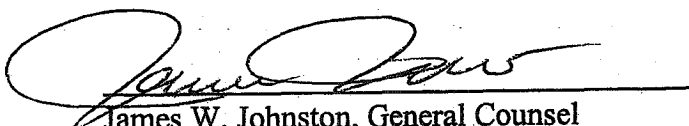
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose an administrative fine 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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July 7, 2007

Dear Board of Nurse Examiners

My name is Albert L. Reed Jr. My license number is 172779. Formal charges were brought against me on October 22, 2006 for an unfortunate incident that took place April 14, 2006. The events that transpired were catastrophic in nature. This has been a 15 month nightmare. I am writing the letter to inform the board of my intent to voluntarily surrender my license to practice vocational nursing. My intent is to apply for reinstatement within one calendar year from date of proposed disposition. Nursing is my first love and my calling from God. I live to practice nursing, but my poor judgement and bad decisions has since altered that just a bit. I failed to do what I was governed by the State of Texas to do, so for that I have to face reality and deal with that. I would like to thank the board for their patience and cooperation during this trying ordeal. There is nothing that I can say in my defense but I didn't steal or use any drugs of any kind. I am sorry if I have inconvenienced anyone.