

Respondent's vocational nursing employment history continued:

09/00 - 11/03	Staff Nurse/LVN	Hometown Care Center Moody, Texas
12/03 - Present	LVN/Oral Surgery	Scott & White Hospital Temple, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse/LVN with Hometown Care Center, Moody, Texas, and had been in this position for three (3) years and one (1) month.
7. The Board received information that on or about October 2003, while employed with Hometown Care Center, Moody, Texas, Respondent physically, verbally, and emotionally abused Resident K.C., including, but not limited to the following incidents:
 - a) On October 27, 2003, Respondent grabbed Resident KC by the right arm and dragged her down the hall as fast as she could walk and stated "look how good she can walk", the resident was upset and crying. Respondent yanked Resident KC out of the dining room and pushed her toward her room; and
 - b) On October 29, 2003, Respondent yelled at Resident KC after she fell out of her wheel chair. Respondent told Resident KC that she had to walk or crawl to the dining room and that if she acted like a baby, Respondent was going to treat her like a baby. Respondent forced Resident KC to crawl and walk, which caused the resident to have bruises on her knees and arms. Respondent told the aides not to help the resident or he would write them up.

Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional and/or psychological harm.

8. On January 11, 2005, Respondent was arrested for the offense of "Injury to the Elderly" a State Jail Felony, case number 200554559CR1. On May 25, 2006, Respondent plead Nolo Contendere and was issued an Order Deferring Adjudication for the misdemeanor offense of "Assault" in the County Court at Law of McLennan County, Texas, cause number 2006-2279-CR1. Respondent was placed on twelve (12) months of community supervision.
9. Respondent has denied the conduct as listed in Finding of Fact Number Seven (7).
10. Respondent completed a psychological evaluation performed by J. Ray Hayes, Ph.D, J.D., Houston, Texas. Dr. Hayes utilized the following psychological tests: Personality Assessment Inventory, Shipley Institute of Living Scale, Beck Depression Inventory-II, and

Interpersonal Checklist. Dr. Hayes states that "based on all the data obtained, it is our opinion that Mr. Wall is capable of working as a professional nurse. Interview and test results do not suggest that he has any impairment in his ability to act in accordance to the Board's rules and standards set in the Texas Administrative Code for nurses. . . Mr. Wall is capable of avoiding behaviors that constitute unprofessional conduct in his work as a nurse. In addition, he has worked in the capacity of a nurse for approximately 12 years. Although the current incident cannot be overlooked, it does not appear that Mr. Wall has an ongoing history of problematic interactions with patients. . .Mr. Wall's current employment, of approximately two years, has yielded no problems nor complaints and two extremely favorable letters of recommendation were provided by his immediate boss."

Respondent also completed a polygraph examination performed by Morris Covin, which states that "Based on the data obtained, there were inconsistent criteria to render a valid opinion. Mr. Wall's physiological criteria were extremely difficult for either examiner to evaluate. It should be noted however, no intentional countermeasures were detected."

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 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(22) & (27)(F).
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 146994, heretofore issued to ROYCE LEON WALL, 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 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 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 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 ROYCE LEON WALL, 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 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).

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL 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) YEARS 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in vocational 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 vocational 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.

(5) RESPONDENT SHALL CAUSE each present employer in vocational 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 vocational nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(7) 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 vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational 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 vocational nurse.

(8) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense(s) as outlined in Finding of Fact Number Eight (8), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

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

Signed this 27 day of April, 2007.

[Signature]
ROYCE LEON WALL, Respondent

Sworn to and subscribed before me this 27th day of April, 2007.

SEAL

Cari Coleman

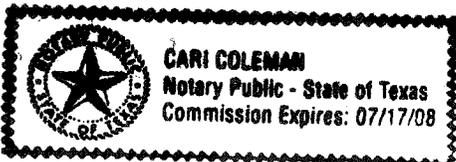
Notary Public in and for the State of Texas

Cari Coleman

Approved as to form and substance.

Courtney Newton
Courtney Newton, Attorney for Respondent

Signed this 30th day of April, 2007.



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 27th day of April, 2007, by ROYCE LEON WALL, Vocational Nurse License Number 146994, and said Order is final.

Effective this 12th day of June, 2007.



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