



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.
Melinda Hester
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse § AGREED
License Number 168577 §
issued to JUSTIN ADRIAN VANLEEUVEN § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JUSTIN ADRIAN VANLEEUVEN, hereinafter referred to as Respondent, Vocational Nurse License Number 168577, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 28, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Kenda B. Dalrymple, Attorney at Law. In attendance were Melinda Hester, MSN, RN, Nursing Consultant, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Peggy Penn, MEd, RN, Nursing Consultant; Marcia Wilson, RN, Investigator; Laura J. Ferrell, RN, Investigator; Elise Dunham, Investigator; Noemi Reyes, Investigator; and J. L. Skylar Caddell, RN,C, Lead Investigator.

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 notice and hearing, and consented 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 Victoria College, Victoria, Texas, on August 13, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on September 10, 1998.

5. Respondent's nursing employment history includes:

09/1998 - 05/1999	Charge Nurse	Cuero Nursing & Rehabilitation Ctr. Cuero, Texas
05/1999 - 09/1999	Assistant Director of Nurses	Elgin Nursing & Rehabilitation Ctr. Elgin, Texas
09/1999 - 01/2002	Charge Nurse & Staff Development	Southwood Care Center Austin, Texas
02/2002 - 02/2004	Charge Nurse	Vosswood Nursing Center Houston, Texas
03/2004 - 05/2004	Charge Nurse	The Forum at Memorial Woods Houston, Texas
05/2004 - 02/2006	Staff Nurse	Parkway Place Assisted Living Houston, Texas
03/2006 - 06/2006	Unknown	
07/2006 - Present	Staff Nurse	Intracare Medical Center Hospital Houston, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Parkway Place Assisted Living, Houston, Texas, and had been in this position for nine (9) months.

7. On or about February 15, 2005, through February 17, 2005, while employed as a Staff Nurse with Parkway Place Assisted Living, Houston, Texas, Respondent failed to document in the medical record his "brief" assessments of Resident MG, including the resident's vital signs and temperatures that he took on approximately five (5) different occasions. Respondent's conduct resulted in an incomplete medical record and was likely to injure the resident in that subsequent care givers would not have accurate information on which to base their care decisions.

8. On or about February 17, 2005, while employed as a Staff Nurse with Parkway Place Assisted Living, Houston, Texas, Respondent failed to document in the medical record that he performed a focused respiratory assessment after the aforementioned Resident MG stated that she did not feel well, informed him for the first time that she had a

history of ear infections, and that her cold symptoms were "nothing new." Further, although Respondent states that the call was made before the end of his shift at 11:00 p.m., Respondent failed to document the time he called the physician and the detailed information he communicated to the physician before the physician ordered Amoxicillin 500 mg orally twice daily for seven (7) days and Robitussin 15 cc orally every four hours as needed for the resident. The medical record reflects that the resident was unable to participate in physical therapy earlier in the day due to not feeling well. Shortly after midnight on February 18, 2005, Resident MG was transferred emergently to an acute care facility after she was noted to be lying on the floor, unresponsive and in cardiopulmonary arrest. Resident MG died later that day. According to the final autopsy report, the resident had suffered from acute onset of sepsis due to severe acute laryngeal infection. According to the death certificate, the resident's immediate cause of death at the hospital was acute myocardial infarction. Respondent's conduct resulted in an incomplete medical record and was likely to injure the resident in that subsequent care givers would not have accurate information on which to base their care decisions.

9. On or about May 5, 2005, the Texas Department of Aging and Disability Services substantiated an allegation of facility neglect and cited Parkway Place Assisted Living, Houston, Texas, for failure to provide medical intervention in a timely manner for Resident MG, who had experienced a change of condition.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Eight (8), Respondent states that he did not make any entries in the medical record regarding the taking of the Resident's vital signs and temperature because he had been trained that the facility policy was to document in the medical record only by exception, and that he believed his job description only required that he document significant changes in the status of residents. Respondent states that Resident MG had no objective signs of anything that would require documentation. Further, Respondent states that he called the physician to request a medication order for the administration of Amoxicillin and Robitussin only after he learned of the resident's history of ear infections. Respondent specifically denies any knowledge that would represent a significant change in the condition of Resident MG and that would have required documentation. Further, Respondent states that he checked on the resident before leaving the facility at the end of shift around 11 p.m. and the resident was alert, oriented and doing fine.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D)&(2)(A) and 217.12(1)(B).

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 168577, heretofore issued to JUSTIN ADRIAN VANLEEUEWEN, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Section 301.463(d) of the Act provides that this Agreed Order is a Settlement Agreement under Rule 408 of the Texas Rules of Evidence for purposes of civil or criminal litigation.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of 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 privileges, if any, to practice 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 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to JUSTIN ADRIAN VANLEEUVEN, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the 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 at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of the entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of

physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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.bne.state.tx.us/about/stipscourses.html>.*

(5) RESPONDENT SHALL, within one (1) year of the 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.bne.state.tx.us/about/stipscourses.html>.

(6) RESPONDENT SHALL, within one (1) year of the 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 at the following Board website address:*

<http://www.bne.state.tx.us/about/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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 PROBATIONARY PERIOD:

(7) RESPONDENT SHALL notify each present employer in 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 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.

(8) 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.

(9) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(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 nursing. These reports shall be completed by the Registered Nurse or 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 one (1) year of employment as a nurse.

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

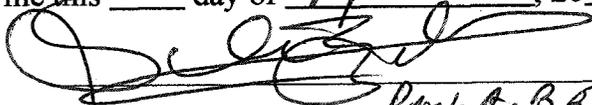
Signed this 20th day of April, 2007.



JUSTIN ADRIAN VANLEEUVEN, Respondent

Sworn to and subscribed before me this 20th day of April, 2007.

SEAL



Paul A. Bello #707
Notary Public in and for the State of Louisiana
Commissioned FOR LIFE

Approved as to form and substance.



Kenda B. Dalrymple, Attorney for Respondent

Signed this 20th 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 20th day of April, 2007, by JUSTIN ADRIAN VANLEEUVEN, Vocational Nurse License Number 168577, and said Order is final.

Effective this 12th day of June, 2007.



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