



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse § AGREED
License Number 723743 §
Issued to EDMUND ALBERT BOULEY § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinaft
referred to as the Board, considered the matter of EDMUND ALBERT BOULEY, Register
Nurse License Number 723743, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal
conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2007,
by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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.
4. Respondent received a Baccalaureate Degree in Nursing from Columbia University, New York, New York, on May 9, 1986, and received a Certificate as a Clinical Nurse Specialist in Psychiatric/Mental Health Nursing from Columbia University, New York, New York, in May 1990. Respondent was licensed to practice professional nursing in the State of New York on September 2, 1986, was licensed to practice professional nursing in the State of Massachusetts on September 29, 1989, was licensed to practice professional nursing in the State of Maine on April 6, 1992, was licensed to practice professional nursing in the State of Florida on September 22, 2004, was licensed to practice professional nursing in the State of Texas on January 26, 2006, and became Board recognized as a Clinical Nurse Specialist in Psychiatric/Mental Health in the State of Texas on February 13, 2006.

5. Respondent's nursing employment history includes:

09/1986 - 09/1997	Unknown	
10/1997 - 06/2002	Clinical Nurse Specialist (CNS)	Behavioral Health Network Springfield, Massachusetts
12/1999 - 03/2006	Staff Nurse, RN	Wing Hospital Worcester, Massachusetts
05/2002 - 12/2004	CNS	Berkshire Health Systems Pittsfield, Massachusetts
09/2005 - 03/2006	CNS	Great Brook Valley Health Ctr. Worcester, Massachusetts
04/2006 - 11/2006	CNS in Psychiatric/ Mental Health	Hill Country Mental Health Mental Retardation (MHMR) Mental Health Clinic Kerrville, Texas
12/2006 - Present	Unknown	

6. On or about November 26, 2005, Respondent submitted an Application for Authorization to Practice as an Advanced Practice Nurse and Prescriptive Authority as a CNS in Psychiatric/Mental Health to the Board, and on February 13, 2006, Respondent received Board recognition and authorization to practice as a CNS in Psychiatric/Mental Health.
7. On or about February 19, 2006, Respondent submitted to the Board a Petition for Exception requesting the Board waive the minimum educational requirements for approval for Prescriptive Authority in the role of Clinical Nurse Specialist.
8. On or about March 3, 2006, Respondent was notified that the Board had at that time made no determination regarding his eligibility for Prescriptive Authority because the review of his initial application had not yet been completed. Respondent was notified that should his initial application be denied, his Petition for Exception would then be submitted for determination by the Board.
9. At the time of the incident in Finding of Fact Number Ten (10), Respondent was employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, and had been in this position for less than (1) month.

10. On or about April 1, 2006, through November 17, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent managed medical aspects of patient care without protocols and/or other documented physician delegation that had been appropriately reviewed and signed by both Respondent and by his delegating physician(s), as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to possibly inappropriate medical care delivered without the benefit of a physician's expertise.
11. On or about April 5, 2006, through September 12, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent distributed prescription drug samples of psychiatric medications to patients without Prescriptive Authorization from the Board, as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to inappropriate medications.
12. On or about April 25, 2006, Respondent was notified that his initial Application for Prescriptive Authority to the Board had been denied on the basis that Respondent had not completed separate, dedicated, graduate level nursing courses in advanced assessment and pharmacotherapeutics, each of which must be at least forty-five (45) clock hours in length. Respondent was informed that staff would proceed with submitting his Petition for Exception to the petition review committee for their recommendation to the Board.
13. On or about May 2006 through November 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent wrote medication orders for patients, including both orders to start new medications and orders to discontinue medications, without Prescriptive Authority from the Board, as required. Respondent's conduct was likely to injure patients from reactions and/or complications due to inappropriate medications.
14. On or about June 14, 2006, Respondent was notified that the petition review committee had completed their review of his Petition for Exception regarding Prescriptive Authority and that their unanimous recommendation to the Board would be that the Board deny his Petition.
15. On or about July 21, 2006, Respondent appeared before the Board to discuss his Petition for Exception regarding Prescriptive Authority and to answer questions, and was present when the Board voted to deny his Petition. On August 25, 2006, Respondent was notified in writing of the Board's denial of his Petition.
16. On or about August 31, 2006, while employed as a CNS in Psychiatric/Mental Health with Hill Country MHMR Mental Health Clinic, Kerrville, Texas, Respondent either:
 - Falsely documented in the medical record that he obtained a Telephone Order from the physician to discontinue Celexa and Zyprexa for Patient 37366 and to start the patient on Wellbutrin XL and Rozerem; or

- Failed to document in the medical record that he collaborated and consulted with a physician regarding changing the medications of Patient 37366, including that he communicated his assessment findings to the physician as well as the physician's rationale and instructions for revising the patient's medication regimen, as required. Respondent's conduct was deceptive, resulted in an inaccurate and/or incomplete medical record, as was likely to injure the patient in that subsequent care givers would not have precise information on which to base their care decisions.
17. On or about January 5, 2007, Respondent submitted acceptable transcripts to the Board indicating that he had successfully completed suitable courses in advanced assessment and pharmacotherapeutics, as required for Prescriptive Authority.
 18. On or about March 22, 2007, Respondent successfully completed a Board-approved class in Texas nursing jurisprudence, which would have been a requirement of this Order.
 19. On or about April 6, 2007, Respondent submitted to the Board an acceptable, new Application for Prescriptive Authority for Advanced Practice Nurses. Based upon review of Respondent's new application, it appears that Respondent has met the requirements for Prescriptive Authority in the State of Texas as a CNS in Psychiatric/Mental Health.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(D)&(4)(B), 217.12(1)(B)&(6)(A), 221.13(d), 222.2 and 222.11.
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 723743, heretofore issued to EDMUND ALBERT BOULEY, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may probate the denial of a license or advanced practice authorization under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. This Order is conditioned upon the accuracy and completeness of Respondent's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.
7. Respondent shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT'S application for Prescriptive Authority in the role of Clinical Nurse Specialist in Psychiatric/Mental Health is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) RESPONDENT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, RESPONDENT SHALL be issued Prescriptive Authority in the role of Clinical Nurse Specialist in Psychiatric/Mental Health.

(3) 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER 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 privilege, 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:

(4) RESPONDENT SHALL deliver the wallet-sized license issued to EDMUND ALBERT BOULEY, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(5) 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.bne.state.tx.us/about/stipscourses.html>

(6) 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 at the following Board website address:

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

(7) RESPONDENT SHALL pay a monetary fine in the amount of two thousand five hundred dollars (\$2,500.00). RESPONDENT SHALL pay this fine within one hundred eighty (180) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS AN ADVANCED PRACTICE 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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE

STIPULATION 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 REGISTERED NURSE (RN) LICENSE WITH ADVANCED PRACTICE AUTHORIZATION WILL NOT APPLY TO THIS STIPULATION PERIOD:

(8) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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.

(9) 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.

(10) RESPONDENT'S practice of professional nursing will be monitored for one (1) year by an Advanced Practice Nurse in the appropriate psychiatric specialty or a Physician proficient in the appropriate psychiatric area approved by the Board. Within ten (10) days of receipt of this Order, RESPONDENT must provide a list of three (3) Physicians and/or three (3) Advanced Practice Nurses from which the Board shall select. For the Physician and/or Advanced Practice Nurse, the

list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

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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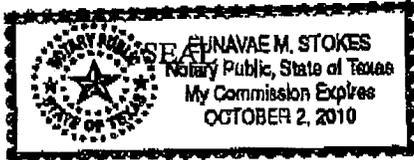
RESPONDENT'S CERTIFICATION

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 16 day of May, 2007.

Edmund Albert Bouley
EDMUND ALBERT BOULEY, Respondent

Sworn to and subscribed before me this 16 day of May, 2007.



Eunavae Stokes
Notary Public in and for the State of Texas

Approved as to ~~form and substance.~~

[Signature]
Louis Leichter, Attorney for Respondent

Signed this 16 day of May, 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 16th day of May, 2007, by EDMUND ALBERT BOULEY, Registered Nurse License Number 723743, and said Order is final.

Effective this 12th day of June, 2007.



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