

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 585795
ISSUED TO
CHARLES DARRYL POTTS

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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.
Patricia A. Pappas
Executive Director of the Board

ORDER OF THE BOARD

TO: Charles Darryl Potts
Box 1179
Elephant Butte, New Mexico 87935

During open meeting held in Austin, Texas, on March 18, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 585795, previously issued to CHARLES DARRYL POTTS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 585795, previously issued to CHARLES DARRYL POTTS, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 18th day of March, 2008.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 585795
Issued to CHARLES DARRYL POTTS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of March, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Charles Darryl Potts
Box 1179 Hwy 85
Elephant Butte, New Mexico 87935

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 585795, Issued to §
CHARLES DARRYL POTTS, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARLES DARRYL POTTS, is a Registered Nurse holding license number 585795, which is in Delinquent 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 January 26, 2006, Respondent was denied licensure by the Arizona State Board of Nursing. The Findings of Fact indicate the following, in part:

1. On or about February 17, 2005, Applicant (Respondent), while working on a temporary permit, cared for Patient #16871 who was terminally ill. Applicant assumed care of the patient at approximately 7:30 p.m., after change of shift report was given. Applicant (Respondent) failed to document an assessment of Patient #16871 until 9:55 p.m., at which time he charted the patient had shallow respirations of about 1 per minute and no heart rate. Patient #16871 was found without vital signs at 10:00 p.m.
2. On or about February 18, 2005, Applicant (Respondent) was counseled for failing to pay attention to report, bending over with his rear end up in the air and exercising in the nurses station, using the computer to look up people in the sex offender's website, administering an antibiotic late, and poor communication with other staff.
3. On or about March 22, 2005, Applicant (Respondent) failed to provide care to Patient #2347. Patient #2347 was inadvertently left off the patient assignment sheet, but was verbally assigned to Applicant (Respondent) during report. Applicant (Respondent) missed the verbal assignment of the patient resulting in the patient having no nurse during the shift.
4. On or about March 28, 2005, Applicant's (Respondent) supervisor requested termination of Respondent's employment due to his creation of a tense and hostile work environment, his misinterpretation of information, and his lack of critical thinking skills necessary for the safe provision of care to medical-surgical patients.

A copy of the January 26, 2006, Order of Denial, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

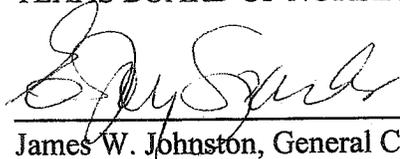
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Denial dated January 26, 2006.

Filed this 23rd day of January, 2008.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Victoria Cox, Assistant General Counsel

State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel

State Bar No. 18874600

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Arizona Board of Nursing Order of Denial dated January 26, 2006.

0999/D

Janet Napolitano
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3653
Phone (602) 889-5150 Fax (602) 889-5155
E-Mail: arizona@azbn.org
Home Page: <http://www.azbn.org>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **CHARLES DARRYL POTTS**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 1651 E. Morten Avenue, Suite 210, Phoenix, Arizona 85020 on April 27, 2006.

SEAL

Handwritten signature of Joey Ridenour in cursive, with initials "R.N., M.N." written to the right.

Joey Ridenour, R.N., M.N.
Executive Director

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION)
FOR LICENSE BY:)
CHARLES DARRYL POTTS)
TO PRACTICE PROFESSIONAL)
NURSING IN THE STATE OF ARIZONA)
_____)

ORDER OF DENIAL
NO. 0505051

On January 26, 2006, the Arizona State Board of Nursing ("Board") considered the application for licensure of Charles Darryl Potts ("Applicant").

FINDINGS OF FACT

1. On or about April 15, 2006, Applicant submitted a professional nurse application by endorsement to the Board. Temporary license TRN132944 was granted to applicant.
2. On or about May 2, 2005, Applicant filed a complaint against his supervisor, which alleged she failed to supervise the care provided to patient # 16871 (J.S.), at Chinle Comprehensive Healthcare Center in Chinle, Arizona. Applicant cared for patient # 16871 (J.S.) immediately before the patient's death on February 17, 2005.
3. On or about May 2, 2005, the Board received multiple documents from Applicant, including 3 separate letters complaining about his supervisor, and 2 letters complaining about his charge nurse. Respondent also submitted 6 letters complaining about various co-workers, and a letter requesting the Board help him grieve a letter of reprimand he had received from his employer.

4. During a review of the information Applicant submitted to the Board and subsequent investigation, the Board discovered the following practice issues, which occurred while Respondent worked for Chinle Comprehensive Healthcare Center:

- On or about February 17, 2005, Applicant cared for patient # 16871 (J.S.), who was terminally ill. Applicant assumed care of the patient at approximately 7:30 p.m., after change of shift report was given. Applicant failed to document an assessment on patient # 16871 (J.S.) until 9:55 p.m., at which time he charted the patient. had shallow respirations of about 1 per minute and no heart rate. Patient # 16871 (J.S.) was found without vital signs at 10:00 p.m.
- On or about February 18, 2005, Applicant was counseled for failing to pay attention in report, bending over with his rear end up in the air and exercising in the nurses' station, using the computer to look up people in the sex offender's website, administering an antibiotic late, and poor communication with other staff.
- On or about March 22, 2005, Applicant failed to provide care to patient #2347. Patient #2347 was inadvertently left off the patient assignment sheet, but was verbally assigned to Applicant during report. Applicant missed the verbal assignment of the patient, resulting in the patient having no nurse for most of the shift. Although there was no negative outcome to the patient, the failure to provide care to an assigned patient could have resulted in patient harm.
- On or about March 28, 2005, Applicant's supervisor requested termination of Applicant's employment due to his creation of a tense and hostile work environment, his misinterpretation of information, and his lack of critical thinking skills necessary for the safe provision of care to medical-surgical patients.

- On or about March 31, 2005, Applicant discovered a medication error made by another nurse. Applicant slammed down the medication kardex, and stated in an angry voice that if he was going to be written up for errors, others would be as well. Applicant had not previously been written up for a medication error.
- On or about May 17, 2005, Applicant was re-assigned from the night shift to the day shift due to the many problems the night staff had with Applicant, which caused a hostile work environment.

5. On or about June 1, 2005, Applicant resigned his employment at Chinle Comprehensive Healthcare Center in Chinle, Arizona.

6. On or about January 26, 2006, the Board considered Applicants' case, and voted to continue the investigation to allow Applicant to obtain a psychological evaluation by a Board-approved psychologist, to be scheduled within 15 days and completed within 45 days, and return to the Board. If Applicant did not schedule the appointment within 15 days or complete the evaluation within 45 days, deny licensure based on the information contained in the Investigative Report. Applicant made the appointment, but later cancelled it. Applicant failed to complete the evaluation within 45 days.

CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of Charles Darryl Potts pursuant to A.R.S. § 32-1663(A), as defined in A.R.S. § 32-1601(16) (d) and (j) and A.A.C. R4-19-403 (6) and (25) (adopted effective July 19, 1995).

ORDER

NOW THEREFORE, IT IS ORDERED that the application of Charles Darryl Potts for a license to practice as a professional nurse in the State of Arizona is denied.

IT IS FURTHER ORDERED that Applicant is not eligible to apply for reinstatement of said license pursuant to A.A.C. R4-19-404 for at minimum, five years.

IT IS FURTHER ORDERED that Applicant shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the

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appeals process, contact Susan Barber, at (602) 889-5161.

DATED this 26th day of January, 2006.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour R.N.

Joey Ridenour, R.N., M.N.
Executive Director

JR/SMM:smm

COPY mailed this 16th day of March 2006, by Certified Mail No. 7001 1940 0003 4511 2004 to:

Charles Darryl Potts
2320 Goodrich Street
Pearland TX 77581

By: D. Lindsey
Legal Secretary