



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 P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 182256 § AGREED
issued to BRADLEY RYAN SUDDITH § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 182256, issued to BRADLEY RYAN SUDDITH, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational professional nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Schreiner College, Kerrville, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas October 17, 2001.
5. Respondent's vocational nurse employment history is unknown.
6. At the time of the initial incident, Respondent was employed as a licensed vocational nurse in the Intensive Care Unit with Sid Peterson Memorial Hospital, Kerrville, Texas.

7. On or about November 12, 2003, Respondent entered a plea of Nolo Contendere to THEFT 50/500 (a Class B misdemeanor offense committed on July 29, 2003), in the County Court at Law of Kerr County, Texas, under Cause No. CR03-1473. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about May 24, 2005, while employed as a Licensed Vocational Nurse with Sid Peterson Memorial Hospital (currently Peterson Regional Medical Center), Kerrville, Texas, Respondent engaged in unprofessional conduct in that Respondent engaged in the use and possession of Marijuana. Respondent admitted to Board staff that he engaged in the use of Marijuana and admitted to possessing Marijuana. Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA < 2OZ (a Class B misdemeanor offense), in the County Court at Law of Kerr County, Texas, under Cause No. CR05-1081. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine and court costs. The use of Marijuana by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about May 24, 2005, while employed as a Licensed Vocational Nurse with Sid Peterson Memorial Hospital (currently Peterson Regional Medical Center), Kerrville, Texas, Respondent misappropriated Morphine and possessed Morphine, Narcan, Metoprolol Tartrate, and Heparin. Respondent entered a plea of Guilty to POSSESSION OF CONTROLLED SUBSTANCE, TO WIT: MORPHINE IN THE AMOUNT OF OVER ONE GRAM BUT LESS THAN FOUR GRAMS (a 3rd Degree felony offense), in the District Court, 216th Judicial District, Kerr County, Texas, under Cause No. A06-69. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of ten (10) years. Additionally, Respondent was ordered to pay a fine and court costs. Respondent misappropriated Morphine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. Respondent submitted letters of support from the following people:

Aaron D. Saul, Jr., RN, Charge Nurse ICE stated that Respondent is an outstanding young man and an excellent clinician. Additionally, he states that Respondent has displayed excellent critical thinking skills, bedside nursing, and knowledge of the patient's condition in the critical care setting.

Sharon Keith, RN, Nurse Manager, Emergency Department, Sid Peterson Memorial Hospital, Kerrville, Texas states that she has known Respondent both personally and professionally for the past 4 years and is confident that Respondent has taken it upon himself to change and improve his behavior, his acquaintances, and his life. Ms. Keith believes that Respondent has shown maturity and accountability in his current job at Methodist Hospital in San Antonio, TX, where he works 24 to 36 hours per week, as an LVN in critical care areas. She supports Respondent's continued education to become an RN.

Madeline Spenrath, RN, BSN has known Respondent approximately 5-6 years, during which time he worked in ICU at Sid Peterson Memorial Hospital, Kerrville, Texas, on the 7p-7a shift. She states that Respondent works well with other health team members and has an excellent rapport with patients, the physicians, and all the various staff working in ICU and other hospital departments. Ms. Spenrath considers Respondent a valuable employee.

Leah Keith, RN, Charge Nurse, Staff Educator, Methodist Hospital, San Antonio, Texas, states that she has known Respondent for more than 4 years. She views Respondent as a gifted and intelligent individual. She looks to Respondent as a role model and identifies Respondent as one of the very few LVNs trusted and allowed to work within this vast intensive care setting. Respondent frequently floats between the Medical ICU, Neuro ICU, and Surgical ICU and maintains a very good reputation among staff. She believes that Respondent has made a change in himself and will continue to make more positive changes for his future and his career as a nurse.

Lyn Braudrick, RN, has known Respondent since he was a senior in high school and has observed him grow and mature into such an amazing young adult. Respondent has proven to be an extremely intelligent individual and a quick learner. He is one that takes true pride in his work and was always an exceptional person to work with and have on your team. She knows Respondent to be kind, extremely caring, and a gentle individual. Ms. Braudrick believes Respondent to be a truly gifted and incomparable.

Cheryl K. Sciba, RN, BSN, Sid Peterson Memorial Hospital, Kerrville, Texas has supervised over Respondent for 3.5 years during his employment in the ICU at Sid Peterson Memorial Hospital in Kerrville, Texas. During the period she states that Respondent worked in the ICU he was always professional and conscientious. He was a wonderful caring nurse and was extremely respectful to all of his patients and peers. He was not afraid to ask questions when needed and was not a nurse who would take short cuts when it came to his patients. He genuinely cared about his patients. Respondent studied and worked hard to become a qualified ICU nurse. Ms. Sciba states that she was charging the unit the morning Respondent left the hospital with three 10 mg vials of morphine. Ms. Sciba believes Respondent forgot he had the medicine in his pocket and accidentally left the hospital with it. She states that she never had any problems with any of Respondent's patients missing drugs, patients complaining about not receiving medications, or patients not getting pain relief. She believes that Respondent has learned a lot from this incident.

12. Formal Charges were filed on January 4, 2008 and First Amended Formal Charges were filed on June 20, 2008. The Charges will be dismissed as a result of the entry of this Order.
13. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice vocational nursing in the State of Texas.
14. 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.

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 302.402(a)(10), Texas Occupations Code.
4. The evidence received is sufficient to prove violation of Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G),(8),(10)(A),(11)(B)&(13).
5. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 182256, heretofore issued to BRADLEY RYAN SUDDITH.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license or application for licensure as a Registered Nurse will be controlled by Sections 301.257 and 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY

SURRENDER of Vocational License Number 182256, heretofore issued to BRADLEY RYAN SUDDITH, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to BRADLEY RYAN SUDDITH, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure as a vocational nurse until one year has elapsed from the date of this order.
4. RESPONDENT SHALL NOT petition for reinstatement of licensure until RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition and has verified that he has not been the subject of any criminal charges other than minor traffic violations and those identified in this order.
5. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that should Respondent make application for licensure as a Registered Nurse, he will file a Petition for Declaratory Order pursuant to TEX. OCC. CODE ANN. §301.257; and 22 Tex. Admin. Code §213.30.

RESPONDENT's Petition for Declaratory Order shall be subject to the following conditions:

1. RESPONDENT SHALL NOT, if granted eligibility pursuant to a Petition for Declaratory Order, apply for licensure as a Registered Nurse until: January 2010;
2. RESPONDENT SHALL NOT apply for licensure as a Registered Nurse until Respondent has been released from felony probation; or can demonstrate that he has made a good faith effort to obtain early release from felony probation and that he is eligible for early release from felony probation; and

3. RESPONDENT SHALL NOT Petition for Declaratory Order or apply for licensure as a Registered Nurse until RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition and has verified that he has not been the subject of any criminal charges other than minor traffic violations and those identified in this order.
4. In order to eligible for licensure as a Registered Nurse, RESPONDENT SHALL satisfy all then existing requirements for licensure and may be subject to conditions upon licensure consistent with the Board's disciplinary policies.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 28 day of July, 2008

Bradley Ryan Suddith
BRADLEY RYAN SUDDITH, Respondent

Sworn to and subscribed before me this 28 day of July, 2008.

SEAL

Sandra C. Terrell
Notary Public in and for the State of *St. Thomas - St. John*

Sandra C. Terrell
Notary Public
Exp. January 05, 2011
NP-096-07
St. Thomas - St. John District


Approved as to form and substance.

Bruce Bigelow
Bruce Bigelow, Attorney for Respondent

Signed this 6th day of August, 2008.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 182256, previously issued to BRADLEY RYAN SUDDITH.

Effective this 13th day of August, 2008.



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