

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 573681
ISSUED TO
MORGAN RAY SMITH

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Morgan Ray Smith
4701 Charles Pl #122
Plano, Texas 75093

During open meeting held in Austin, Texas, on November 12, 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 Texas Board of Nursing 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 573681, previously issued to MORGAN RAY SMITH, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 573681, previously issued to MORGAN RAY SMITH, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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 12th day of November, 2008.

TEXAS BOARD OF NURSING

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

Re: Permanent Certificate Number 573681
Issued to MORGAN RAY SMITH
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 20 08, 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):

Morgan Ray Smith
4701 Charles Pl. #122
Plano, Texas 75093

BY:



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

In the Matter of Registered Nurse License § **BEFORE THE TEXAS**
Number 573681, Issued to §
MORGAN RAY SMITH, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MORGAN RAY SMITH, is a Registered Nurse holding license number 573681, which is in current 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 July 30, 2006, while employed at Hendrick Medical Center, Abilene, Texas, Respondent withdrew Ativan from the Pyxis Medication Dispensing System for patient number 0453870, but failed to accurately document in that Respondent documented in the Pyxis Medication Dispensing System that he gave 1.5mg of Ativan and he wasted 0.5mg, but then documented in the patient's Medication Administration Record (MAR) and Nurses Notes that he gave 0.5mg of Ativan. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4)&(11)(B).

CHARGE II.

On or about July 30, 2006, and September 24, 2006, while employed at Hendrick Medical Center, Abilene, Texas, Respondent withdrew Ativan from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medication as follows:

Date/ Time	Patient	Medication	Physician's Order	MAR	Nurse Notes	Wastage
7/30/06 21:09	0453870	Lorazepam (Ativan) 2mg/1ml	Ativan 1mg IV (ER records)	1 mg IV 21:20	1 mg IV 21:20	None

Date/Time	Patient	Medication	Physician's Order	MAR	Nurse Notes	Wastage
7/30/06 23:04	0453870	Lorazepam (Ativan) 2mg/1ml	Ativan 0.5 mg IV (ER records)	.5mg 23:10 (ER MAR) 1.5mg 23:04 (pyxis)	0.5 mg IV 23:20	.5mg 23:04 (pyxis) Witnessed by: Jennifer Goforth
9/24/06 20:13	0445038	Lorazepam (Ativan) 2mg/1ml	NONE	1 mg (pyxis)	N/A	1 mg (pyxis) no witness

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of and 22 TEX. ADMIN. CODE §217.11 (1)(A) and 22 TEX. ADMIN. CODE §217.12(1)(B),(10)(C)&(11)(B).

CHARGE III.

On or about July 30, 2006, and September 24, 2006, while employed at Hendrick Medical Center, Abilene, Texas, Respondent withdrew Ativan from the medication dispensing system for patients without a valid physician's order as follows:

Date/Time	Patient	Medication	Physician's Order	MAR	Nurses Notes	Wastage
9/24/06 20:13	0445038	Lorazepam (Ativan) 2mg/1ml	NONE	1 mg (pyxis)	N/A	1 mg (pyxis) no witness

Respondent's conduct was likely to injure the patients in that the administration of Ativan without a valid physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A) & (C) and §217.12(1)(A)&(4).

CHARGE IV.

On or about July 30, 2006, and September 24, 2006, while employed at Hendrick Medical Center, Abilene, Texas, Respondent misappropriated Ativan belonging to 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8)&(11)(B).

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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 GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Used Disorder which can be found at the Board's website, www.bon.state.tx.us.

Filed this 20 day of August, 2008.

TEXAS BOARD OF NURSING



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