

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 612327 issued to § AGREED ORDER
EUGENE D. BOYD, JR. §

An investigation by the Board produced evidence indicating that EUGENE D. BOYD, JR., hereinafter referred to as Respondent, may have violated Article 4525(b)(8) and (9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on October 29, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; William Hopkins, Assistant General Counsel; Anthony L. Diggs, Supervising Investigator; and Diane E. Burell, 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 representation by counsel, notice and hearing, and consented to the entry of this order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received a Bachelor Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, in December 1994.

5. Respondent's professional employment history includes:

1/95 - present Staff Nurse
 All Saints Health Systems
 Fort Worth, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with All Saints Health Systems, Fort Worth, Texas, and had been in this position for 11 months.
7. Respondent, while employed with the aforementioned facility, on or about December 21, 1995, engaged in the intemperate use of drugs in that he produced a specimen for a drug screen which tested positive for Morphine. Respondent's conduct could have endangered patients.
8. Respondent, while employed with the aforementioned facility, on or about December 21, 1995, failed to accurately document the condition of patient #294703-02 in that he did not document that the patient was complaining of pain. Respondent's failure to document was likely to injure the patient in that subsequent care givers could have relied on the documentation to medicate the patient.
9. Respondent, while employed with the aforementioned facility, on or about December 21, 1995, failed to appropriately waste 10 mg of Morphine in that he wasted the medication under another nurse's pass code within the Pyxis machine and failed to have the wastage witnessed. Respondent's action was likely to deceive the facility of the cost of the medication.
10. Respondent was assessed and recommended for chemical dependency treatment.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, 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 Article 4525(b)(8) and (9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(4), (5) and (14).

4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 612327, heretofore issued to EUGENE D. BOYD, JR.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a warning with stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 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 THAT:

(1) RESPONDENT SHALL deliver the wallet-size license issued to EUGENE D. BOYD., JR., to the office of the Board of Nurse Examiners within ten (10) days of the date of this order for appropriate notation.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT:

(2) RESPONDENT SHALL notify each present employer in professional nursing of this order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this order to each present employer within five (5) days of notification of this order. RESPONDENT SHALL notify all potential employers in professional nursing of this order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this order to each potential employer prior to employment.

(3) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form to the Board's office within ten (10) days of notification of this order. RESPONDENT SHALL CAUSE each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(4) RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN 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. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency or home health agency. RESPONDENT SHALL NOT be self employed or contract for services. Multiple employers are prohibited.

(5) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the assigned unit(s) for one (1) year of employment as a professional nurse.

(6) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care unit, emergency room, operating room, telemetry, recovery room, and labor and delivery units.

(7) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates for one (1) year of employment as a professional nurse.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the registered nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances and alcohol.

For the first three (3) month period, random screens shall be performed at least once per week.

For the second three (3) month period, random screens shall be performed at least once per month.

For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cocaine Metabolites	Opiates
Ethanol	Phencyclidine
Hydrocodone	Propoxyphene
Marijuana Metabolites	

All screens shall be properly monitored and production of specimen personally observed by the employer's designee. A complete chain of custody shall be maintained for each specimen obtained and analyzed.

RESPONDENT SHALL CAUSE the employer/laboratory to send the written results of each random screen to the Office of the Board within five (5) days of the date that the screen is analyzed. If any screen tests positive for alcohol and/or controlled substances Nubain, Stadol, Dalgan or other synthetic opiates, for which the RESPONDENT does not have a valid prescription, the employer/laboratory shall report such results to the Board Office on the day that the results are received by calling (512) 305-6834 and reporting the positive results to the Monitoring Technician.

(11) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this order, RESPONDENT SHALL be issued an unencumbered license to practice professional 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 waive representation by counsel. I have reviewed this order. I neither admit nor deny the violations alleged. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any stipulation of this order to avoid further disciplinary action in this matter. I consent to the issuance of the Agreed Sanctions. I waive judicial review of this order. I understand that this order is subject to ratification by the Board. When the order is ratified, the terms of this order become effective, and a copy will be mailed to me.

Signed this 16 day of DEC, 19 96.

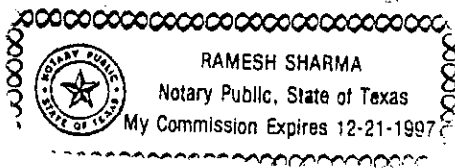
Eugene D Boyd Jr
EUGENE D. BOYD, JR.

Sworn to and subscribed before me this 16th day of Dec, 19 96.

SEAL

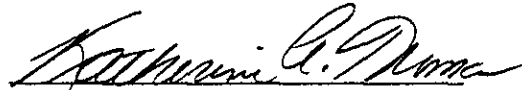
Ramesh Sharma

Notary Public in and for the State of TEXAS



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 December, 19 96, by EUGENE D. BOYD, JR. , license number 612327, and said order is final.

Effective this 23rd day of January, 19 97.



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