BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 610028	§	
issued to MARK AARON TAYLOR	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARK AARON TAYLOR, Registered Nurse License Number 610028, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 5, 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 representation by counsel, 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 an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 1, 1994, and received a Baccalaureate Degree in Nursing from The University of Texas at Tyler, Tyler, Texas, in May 1998. Respondent was licensed to practice professional nursing in the State of Texas on September 27, 1994.

5. Respondent's professional nursing employment history includes:

9/27/94 to 9/96	RN Trinity Valley Hospital Palestine, Texas
9/96 to 9/98	RN Memorial Hospital Palestine, Texas
5/98 to 10/05	RN, Agency Nurse Alpha Staffing Tyler, Texas
11/5/05 to 4/28/06	RN The University of Texas Health Center at Tyler Tyler, Texas
Unknown	RN, Agency Nurse Excel Agency Tyler, Texas

6. On or about July 22, 1992, Respondent was issued a Declaratory Order for licensure eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Declaratory Order, Findings of Fact, Conclusions of Law, and Order date July 22, 1992, is attached and incorporated by reference as a part of this Order.

7. At the time of the initial incident in Finding of Fact Number Eight (8) Respondent was employed as a RN with The University of Texas Health Center at Tyler, Tyler, Texas, and had been in this position for two (2) months.

8. On or about January 20, 2006, while employed as a RN with The University of Texas Health Center at Tyler, Tyler, Texas, Respondent failed to accurately assess and monitor Patient JS, who presented to the Emergency Department with an altered mental status. The patient had a history of mental retardation, and the patient's family was concerned that the patient had or was having a stroke. Respondent failed to obtain vital signs for a period of more than six (6) hours after the patient arrived, and then only after the patient experienced seizure-like activity. Although Respondent obtained vital signs, he failed to re-assess the patient, who experienced an episode of aspiration according to the physician's notes. Thirty (30) minutes before end of shift, and forty-five (45) minutes after the seizure-like activity, Respondent assessed the patient to be resting quietly; however, shortly after change of shift, the subsequent nurse found the patient to be unresponsive to deep stimuli and with a temperature of 104.5. The patient was subsequently admitted to the Intensive Care Unit and died within several days. Respondent's conduct was likely to injure the patient from failure to accurately perform ongoing assessments of this ill patient, who had changes in his medical status, and could have resulted in delays of needed medical interventions.

9. On or about January 20, 2006, while employed as a RN with The University of Texas Health Center at Tyler, Tyler, Texas, Respondent failed to accurately and completely document the nursing care he provided to, and assessments of, the aforementioned Patient JS, as follows:

- Although vital signs were taken at noon, including a normal temperature, no further vital signs were taken for more than six (6) hours, and no further temperature was taken until after the next nurse arrived, at which time it was determined to be 104.5;
- There was no documentation of assessments when the patient experienced seizure activity at 5:45 pm;
- There was no documentation of an assessment after the patient experienced aspiration, which was only mentioned in the physician's notes, and which was not documented at all by Respondent; and
- There was no documentation related to the patient being agitated after 1:00 pm, and in contrast, Respondent documented the patient was resting quietly at 6:30 pm (which was Respondent's last entry).

Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that the documentation did not accurately reflect the patient's status and changes in condition, which prevented subsequent caregivers from having accurate information on which to base their decisions regarding further care of the patient.

10. In response to the incidents in Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that the patient was never without needed care; that the patient was too agitated and thrashing about to be able to take vital signs; and that he did suction the patient after the seizure activity, which Respondent believes prevented the patient from having an severe aspiration. Respondent states that he recommended to the physician that the patient be admitted to ICU rather than the medical floor, and that the physician and medical residents were kept aware of the patient's progress the entire time Respondent was involved with his care.

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)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).

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 610028, heretofore issued to MARK AARON TAYLOR, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, 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, 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 that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MARK AARON TAYLOR, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the

Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board 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.bon.state.tx.us/about/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board 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.bon.state.tx.us/about/stipscourses.html.*

(4) 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.bon.state.tx.us/about/stipscourses.html.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

IT IS FURTHER AGREED, SHOULD RESPONDENT 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 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 WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 stipulations 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.

(7) 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.

(8) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse 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. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a nurse.

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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17th day of December, 2007.

MARK AARON TAYLOR, Respondent

Sworn to and subscribed before me this 17 day of December, 2007.

TELETHA M. HOLCOMB
MY COMMISSION EXPIRES
June 30, 2011

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of December, 2007, by MARK AARON TAYLOR, Registered Nurse License Number 610028, and said Order is final.

Effective this 17th day of January, 2008.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Eligibility
MARK AARON TAYLOR

CONFIDENTIAL

DECLARATIONS

A petition for eligibility has been received at the office of the Board of Nurse Examiners, pursuant to the Board, in accordance with Article 4519(a), Revised Civil Statutes of Texas, as amended, having been submitted by MARK AARON TAYLOR, hereinafter referred to as Petitioner.

FINDINGS OF FACT

1. Petitioner is currently planning to enroll in an educational program that prepares an individual for initial licensure as a professional nurse in the State of Texas.

2. On March 19, 1992, Petitioner submitted a petition for eligibility to take the National Council Licensure Examination for Registered Nurses.

3. Petitioner has reason to believe that he may be ineligible for licensure as a professional nurse in the State of Texas.

4. Petitioner submitted a letter to the Board of Nurse Examiners which states:

"Dear Lisa, As we discussed earlier I have sent to you this day official documents regarding my two cases to be evaluated for State Board eligibility.

With these I have also included a letter, for each case, stating just what exactly occurred on the occasion.

If there are any questions regarding either case please write to me or feel free to call: (903) 729-4513 and I will be more than happy to help.

If calling, (I am a full time student & substitute teacher, both of which keep me quite busy during the day) please leave a message & I will return your call as soon as possible. Thank you, Mark Taylor."

"Regarding Jan. 1991 Case: Reckless Conduct

On the night of Jan. 13th, while on route home from Tyler, Tx., I was

stopped just inside the city limits of Palestine by a patrolman who said he clocked me going around [illegible] over the speed limit.

After discussing with [illegible] as coming from & going to, he asked if I had [illegible] to which I honestly answered "yes" (my wife & [illegible] Italian restaurant located in Tyler where there was [illegible] wine along with our meal). The officer then decided to [illegible] charge me w/DWI.

The next day I consulted an attorney on this matter. I was at this time district manager for a company located here in Palestine, to which there I received co. benefits including a co. car, to be used in my work since I traveled 60-70,000 miles a year, as long as I maintained an excellent driving record. In discussing the situation with my attorney he reassured me that I shouldn't have any problem in solving this matter, thus he & I decided to see the [illegible]

On the 29th of [illegible] judge who, taking my good background (& the fact that I had not had very much to drink that night anyway) into consideration only found me guilty of a lesser charge of reckless conduct (as opposed to reckless driving, so not to damage my driving record).

I there & then paid a fine of $100.00 ([illegible] $31.50 court costs), thus ending the case.

Charge: Reckless Conduct [illegible] Misdemeanor

Regarding Dec. 1976 case: DWI

In Dec. 1976, while as a freshman student at Sam Houston St. U., I was observed, by a campus policeman, failing to come to a complete stop at a stop sign (while en route back to my dormitory after leaving a fraternity party).

The officer then pulled me over & noticing alcohol on my breath, decided to take me in for a possible DWI offense.

On Dec. 8th I went before [illegible] to which I was fined $125.00 (+ $49.00 court costs), (both of which I paid there & then), & was put on a probation period of 6 months (10 days jail deferred as long as I carried out my probation successfully, to which I, of course, did.).

Charge: DWI: Misdemeanor

5. On or about December 8, 1976, in the County Court of Walker County, Texas, Petitioner was convicted of D.W.I.

6. On or about December 8, 1976, in the County Court of Walker County, Texas, Petitioner was assessed punishment at a fine of $125.00 and placed on probation for a period of six (6) months, for the offense of D.W.I.

7. On or about [illegible] discharged from probation by the court [illegible] offense of D.W.I., for which [illegible]

8. On or about [illegible] Harrison, Texas, Petitioner was convicted of a [illegible] offense occurred on January 13, 1991.

9. On or about January 29, 1991, Petitioner was assessed a punishment of a $600.00 fine and $131.50 for court costs for the offense of reckless conduct.

[illegible]

1. The Board has jurisdiction [illegible] pursuant to Article 4519(a).

2. Petitioner has submitted a petition in compliance with Article 4519(a), Revised Civil Statutes of Texas, as amended.

3. The evidence presented constitutes sufficient evidence to take action under powers granted by Article [illegible] Civil Statutes of Texas, as amended.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby order and declare that MARK AARON TAYLOR is ELIGIBLE to take the National Council Licensure Examination for Registered Nurses.

This Order determines Petitioner's eligibility with respect to the basis for potential ineligibility set out in this Order only.

Upon receipt of [illegible] to practice professional nursing, Petitioner's license may be subject to disciplinary action including but not limited to stipulations or probation conditions under which Petitioner may practice.

Any inaccuracies in the petition for eligibility may affect Petitioner's ability to take the National Council Licensure Examination for Registered Nurses.

CONFIDENTIAL

Any subsequent violation of the Nurse Practice Act may affect Petitioner's eligibility to take [illegible] Licensure Examination for Registered Nurses.

Entered this 22nd day of July, 1992.

[illegible] R.N.
[illegible] behalf of said Board