

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 727468	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
SCOTT WILLIAM SMITH	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Scott William Smith
107 Timbertrail Circle
Portland, Texas 78374

During open meeting held in Austin, Texas, Tuesday, February 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 727468, previously issued to Scott William 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 727468, previously issued to Scott William 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 February, 2008.

TEXAS BOARD OF NURSING

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

Re: Permanent Certificate Number 727468
Issued to Scott William Smith
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

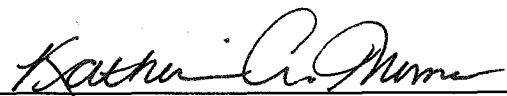
I hereby certify that on the 14th day of February, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Scott William Smith
107 Timbertrail Circle
Portland, Texas 78374

and

Scott William Smith
8595 SW Maverick Terrace, Apt. 109
Beaverton, OR 97008 7448

BY:



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

In the Matter of Registered Nurse License § BEFORE THE TEXAS
 Number 727468, Issued to §
 SCOTT WILLIAM SMITH, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SCOTT WILLIAM SMITH, is a Registered Nurse holding license number 727468, 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 June 26, 2006 through June 28, 2006, and August 2, 2006, though August 17, 2006, while employed at Christus Spohn-Shoreline, Corpus Christi, Texas, Respondent withdrew Lortab, from the Medication Dispensing System (Pyxis) for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

Date/Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record (MARs)	Nurses Notes	Waste
6/26/06 @20:59	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/27/06 @ 0217	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/27/06 @1803	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/28/06 @1858	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/28/06 @0149	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
8/02/06 @1853	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/02/06 @2133	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/03/06 @ 0055	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/03/06 @ 0415	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/10/06 @0043	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None

Date/ Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record (MARs)	Nurses Notes	Waste
8/10/06 @0536	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/8/06 @1821	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/8/06 @ 2319	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/9/06 @0350	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/14/06 @1904	AB	(1)Lortab 75	(1) Lortab 7.5 PO Q6H	Not Documented	None	None
8/17/06 @0152	AB	(1)Lortab 75	(1) Lortab 7.5 PO Q6H	Not Documented	None	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose and is 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 22 TEX. ADMIN. CODE §217.11(1)(B)(D) and §217.12(4)&(11)(B).

CHARGE II.

On or about June 26, 2006 through June 28, 2006, and August 2, 2006, through August 17, 2006, while employed at Christus Spohn Shoreline, Corpus Christi, Texas, Respondent withdrew Lortab, from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedure for the wastage of the medications, as follows:

Date/ Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record (MARs)	Nurses Notes	Waste
6/26/06 @20:59	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/27/06 @ 0217	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/27/06 @1803	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/28/06 @1858	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
6/28/06 @0149	FC	(1) Lortab 75	(1) Lortab PO Q4H PRN PAIN	Not Documented	None	None
8/02/06 @1853	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None

Date/Time	Patient	Medication Dispensing System (Pyxis)	Physician's Order	Medication Administration Record (MARs)	Nurses Notes	Waste
8/02/06 @2133	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/03/06 @ 0055	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/03/06 @ 0415	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/10/06 @0043	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/10/06 @0536	AC	(1) Lortab 10	(1) Lortab 10 Q3-4H PRN PAIN	Not Documented	None	None
8/8/06 @1821	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/8/06 @ 2319	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/9/06 @0350	MP	(2) Lortab 75	Lortab 7.5 mg 1-2 tab Q6H PRN PAIN	Not Documented	None	None
8/14/06 @1904	AB	(1)Lortab 75	(1) Lortab 7.5 PO Q6H	Not Documented	None	None
8/17/06 @0152	AB	(1)Lortab 75	(1) Lortab 7.5 PO Q6H	Not Documented	None	None

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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(C) and (11)(B).

CHARGE III.

On or about June 26, 2006 through June 28, 2006, and August 2, 2006, through August 17, 2006, while employed at Christus Spohn Shoreline, Corpus Christi, Texas, Respondent misappropriated Lortab or failed to take the necessary precautions to prevent the misappropriation of Lortab, belonging to the facility and patients thereof. 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 22 TEX. ADMIN. CODE §217.12(6)(G),(8)&(10)(E).

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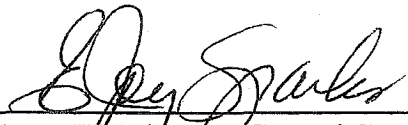
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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 Chemical Dependency, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 18th day of December, 2007.

TEXAS BOARD OF NURSING


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Board Certified - Administrative Law
Texas Board of Legal Specialization
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