

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 199022 § AGREED
issued to RICARDO J. MATTHEWS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RICARDO J. MATTHEWS, Vocational Nurse License Number 199022, 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 July 24, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Galen Health Institute of San Antonio, San Antonio, Texas, on May 5, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on June 23, 2005.
5. Respondent's vocational nursing employment history includes:

Unknown	Licensed Vocational Nurse (LVN)
	Regent Care at Oakwell Farms
	San Antonio, Texas

Respondent's vocational nursing employment history continued:

3/06 to 4/06 LVN
Restorative Health Care
San Antonio, Texas

4/06 to Present Unknown

6. At the time of the initial incident, Respondent was employed as a LVN with Restorative Health Care, San Antonio, Texas, and had been in this position for two (2) weeks.
7. On or about April 8, 2006, while employed with Restorative Health Care, San Antonio, Texas, Respondent left his assignment to care for Patient Medical Record Number CCP05014, a pediatric patient, prior to a parent arriving at the home or another nurse arriving to accept the assignment. There was another nurse providing care to another pediatric patient in the home at the same time. Because Respondent's assignment was to end at 10:30 p.m. and the parents were running late, he contacted office staff instead of the RN on call for the home health agency. At 10:44 p.m., Respondent documented that he gave report to the skilled nurse, per that nurse Respondent left the home at 10:52 p.m., and the mother arrived at 11:00 p.m. The nurse who remained in the home advised Respondent that she could not sign his notes. Respondent's conduct exposed the patient unnecessarily to a risk of harm from leaving prior to appropriate relief, even though another nurse was in the room, the patient was not that nurse's assigned duty.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that his shift was to be over at 10:00 p.m and the parents were late. Respondent attempted to contact the parents directly without success, then contacted the office and spoke to staff. Respondent gave report to the other nurse in the home who was caring for another patient. Respondent had to leave to pick up his own child who was at night care and the police would be called if the child was not timely picked up.

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)(B)&(1)(I) and 217.12(1)(A)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 199022, heretofore issued to RICARDO J. MATTHEWS, including revocation of Respondent's license to practice vocational 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 REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 vocational nursing in the State of Texas.

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 State of Texas 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 RICARDO J. MATTHEWS to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(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 not 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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/disciplinaryaction/stipscourses.html>.

(3) 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, 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 vocational 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 when this Order becomes final and the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

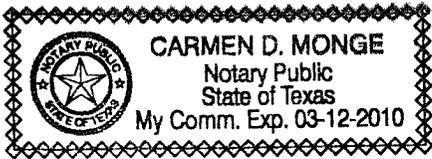
Signed this 24 day of November, 2008.

Ricardo J. Matthews
RICARDO J. MATTHEWS, Respondent

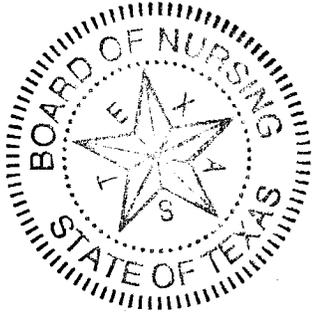
Sworn to and subscribed before me this 24 day of November, 2008

SEAL

Carmen D. Monge
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 24th day of November, 2008, by RICARDO J. MATTHEWS, Vocational Nurse License Number 199022, and said Order is final.



Effective this 9th day of December, 2008.


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