

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
CHARLES AARON REDWINE	§	
Vocational Nurse License Number 138897	§	AND
and PETITIONER for Eligibility for	§	
Licensure as a Professional Nurse	§	ORDER OF CONDITIONAL ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHARLES AARON REDWINE, Vocational Nurse License Number 138897, and considered the Application by NCLEX-RN® Examination for Registered Nurses for CHARLES AARON REDWINE regarding licensure as a Registered Nurse. CHARLES AARON REDWINE is hereinafter referred to as RESPONDENT.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on July 8, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Julie Nelson, Attorney at Law. In attendance were Denise Benbow, MSN, RN, Nurse Consultant, Executive Director's Designee; John S. Langley, Assistant General Counsel for the Office of the Attorney General; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Robert M. Cantu, 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 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 (US Army Practical Nurse Course) from The United States Army, Fort Sam Houston, Texas, on August 28, 1992. Respondent became licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent graduated with an Associate Degree in Nursing from Excelsior College, Albany, New York, in May 2008.
5. Respondent's vocational nursing employment history includes:

1992-1994	Practical Nurse	US Army/Walter Reed Army Medical Center Washington, D.C.
10/94-11/95	Practical Nurse	US Army Medical Activity Vicenza, Italy
12/95-08/96	Practical Nurse	212 Mobile Army Surgical Hospital Camp Bedrock, Bosnia
08/96-10/97	Practical Nurse	Landstuhl Regional Medical Center Bosnia
10/97-05/98	Practical Nurse	86th Evac Hospital Fort Campbell, Kentucky
05/98-07/98	Employment Unknown	
08/98-01/00	Practical Nurse	Lake Mead Hospital Medical Center North Las Vegas, Nevada
02/01-10/01	Practical Nurse	Boulder City Hospital Boulder City, Colorado
2001-2003	LVN	Appreciated Medical Professionals Austin, Texas
2003-2005	LVN	Medical Staffing Network Austin, Texas
08/04-04/05	LVN	Seton Health Care Austin, Texas

Respondent's vocational nursing employment history (continued):

04/05-05/06	LVN	ATCMHMR Austin Travis County Mental Health and Mental Retardation Austin, Texas
05/06-11/06	LVN	Staff Nurse Homecare Dimensions Austin, Texas
11/06-Present	LVN	Medical Staffing Network Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Austin Travis County Mental Health and Mental Retardation, Austin, Texas, and had been in this position for approximately three (3) months.
7. On or about August 8, 2005 through August 12, 2005, while employed with Austin Travis County Mental Health Mental Retardation Center, Austin, Texas, Respondent wrote improper and insufficient documentation when Respondent wrote, "VSS stable" in the medical records of several clients, but failed to provide the specific numbers for these vital signs as required to provide a complete medical record. Respondent's conduct was likely to injure patients in that it deprived subsequent care givers of essential information on which to base ongoing medical care and could result in nonefficacious treatment.
8. On or about July 7, 2005, through February 2006, while employed with Austin Travis County Mental Health Mental Retardation Center, Austin, Texas, Respondent, on eight (8) separate dates, inappropriately completed client medical clearance assessments of clients that required the expertise and signature of physicians. Furthermore, these clients were uncomfortable because they perceived these assessments as taking an unnecessarily prolonged amount of time to complete. Respondent's conduct exceeded his scope of practice as a licensed vocational nurse and unnecessarily exposed clients to the risk of emotional and/or physical injury due to possibly inappropriate medical care.
9. On July 8, 2008, Respondent stated that he has suffered from hearing loss, which may have caused prolonged assessments while checking heart palpitations. Respondent submitted a letter from Allan Franklin, Au.D., FAAA, who states, "Mr. Redwine suffers from mild high frequency loss on the right and a borderline loss on the left. I expect, based on the configuration, that he will suffer a degree of difficulty in hearing some sounds (especially soft sounds)."
10. On or about July 22, 2008, Respondent submitted an Application for Initial Licensure by Examination requesting a determination of eligibility for licensure as a registered nurse in compliance with Section 301.257 *et seq.*, Texas Occupations Code.

11. Respondent completed the Application by NCLEX-RN® Examination for Registered Nurses and answered "yes" to the question:

"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"
12. Respondent submitted a letter of explanation stating that he was answering yes because of the current investigation being conducted by the Texas Board of Nursing based on Findings of Fact Numbers Seven (7) and Eight (8).
13. Licensure of Respondent as a registered nurse poses no direct threat to the health and safety of patients or the public.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Respondent.
15. Respondent has sworn that his past behavior conforms to the Board's professional character requirements. Respondent presented no evidence of behavior which is inconsistent with good professional character.
16. Respondent has been advised that any information found to be incomplete, incorrect, or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.
17. On July 24, 2008, the Executive Director considered evidence of Respondent's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Respondent currently demonstrates the criteria required for good professional character.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Respondent has submitted a petition in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
3. Notice was served in accordance with law.
4. Respondent shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.

5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(D)&(T)&(2)(A)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(6)(C),(D)&(E), as amended September 28, 2004.
7. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 138897, heretofore issued to CHARLES AARON REDWINE, 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 a REPRIMAND WITH STIPULATIONS, 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 upon meeting the requirements for graduation and payment of any required fees, CHARLES AARON REDWINE, RESPONDENT, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). RESPONDENT SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational or 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 CHARLES AARON REDWINE, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

IT IS FURTHER ORDERED that RESPONDENT, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation and RESPONDENT SHALL be subject to the following stipulations:

(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 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/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A VOCATIONAL OR PROFESSIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE

DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A VOCATIONAL OR REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) RESPONDENT SHALL notify each present employer in vocational or professional 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 vocational or professional 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.

(5) RESPONDENT SHALL CAUSE each present employer in vocational or professional 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 vocational or registered nurse.

(6) For the first year of employment as a Licensed Vocational or Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct

supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(7) For the remainder of the stipulation period, 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.

(8) 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 vocational or professional 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 two (2) years of employment as a vocational 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 vocational and/or professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

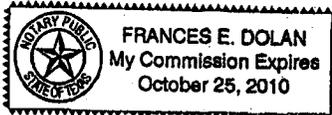
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of August, 2008.

Charles A. Redwine
CHARLES AARON REDWINE, Respondent

Sworn to and subscribed before me this 4th day of August, 2008.

SEAL



Frances E. Dolan
Notary Public in and for the State of Texas

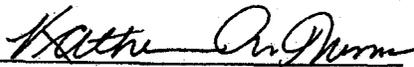
Approved as to form and substance.

Julie Nelson
JULIE NELSON, Attorney for Respondent

Signed this 4th day of August, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order and Order of Conditional Eligibility that was signed on the 4th day of August, 2008, by CHARLES AARON REDWINE, RESPONDENT, for Application for Initial Licensure by Examination as a Professional Nurse and Vocational Nurse License Number 138897, and said Order is final.

Effective this 9th day of September, 2008.


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