BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 147585	§	
issued to RAY MAC BLAYLOCK	§	ORDER

TEXAS BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the considered the matter of RAY MAC BLAYLOCK, Vocational Nurse License Number 147585, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 11, 2010, 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 informal proceedings, 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 Amarillo College, Amarillo, Texas, on May 27, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on July 20, 1994.

5. Respondent's nursing employment history includes:

07/94 - 09/96	Unknown

Respondent's vocational nursing employment history continued:

10/96 - 08/97	LVN	Baptist Hospital Amarillo, Texas
08/97 - 10/99	LVN	Country Club Manor Nursing Home Amarillo, Texas
08/99 - Unknown	LVN	VA Medical Center Amarillo, Texas
02/02 - 08/06	LVN	University Medical Center Lubbock, Texas
09/06 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a licensed vocational nurse with University Medical Center, Lubbock, Texas, and had been in this position for four (4) years and five (5) months.

7. On or about July 1, 2006 through July 21, 2006, while employed as a Staff Nurse with University Medical Center, Lubbock, Texas, Respondent withdrew medications from the Pyxis medication dispensing system for patients, but failed to accurately and/or completely document the administration of those medications in the patients' medication administration record (MAR) and/or nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about July 1, 2006 through July 21, 2006, while employed as a Staff Nurse with University Medical Center, Lubbock, Texas, Respondent withdrew medications from the Pyxis medication dispensing system for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that a computer system was used to document medication administration (E-MAR). Because LVNs were required to care for seven to eights patients per shift, may times it was physically impossible to get to the computer at the exact time the medication was dispensed. Respondent states that most nurses could not chart until two to three hours after dispensing the medication. Because of the time difference, Respondent states there was a possibility for documentation errors, none of which were intentional.

10. On or about July 2006, while employed as a Staff Nurse with University Medical Center, Lubbock, Texas, Respondent failed to accurately and/or completely document pain assessments in the medical records of patients. Respondent's conduct resulted in inaccurate/incomplete medical records and was likely to injure the patients in that subsequent care givers would not have accurate information to base their decisions for further care.

11. In response to Finding of Fact Number Ten (10), Respondent states that when a patient complained of pain, the documentation was placed into the E-MAR before the medication was given. After the pain medication was given, there is a place to document regarding the patient's pain one hour after the medication had been administered. Respondent states that in order to prevent double-documenting, nurses were trained to only document the patients' pain level on the EMAR, and not on the patient assessment form. Respondent states he was never trained to double-document.

12. On or about July 2006, while employed as a Staff Nurse with University Medical Center, Lubbock, Texas, Respondent failed to timely administer narcotics that had been withdrawn from the Pyxis medication dispensing system. Respondent's conduct delayed the onset of medical interventions and was likely to injure the patients in that failing to administer medications are ordered by the physician could result in non-efficacious treatment.

13. In response to Finding of Fact Number Twelve (12), Respondent states that he was trained that he had one hour from the time medication was ordered and dispensed by the pharmacy to give the medicine and to document it. Many times Respondent would be on his way to give the medication and would be pulled away to accomplish other tasks. Respondent states that he simply documented the correct time he gave the medication rather than falsifying the time the medication was given.

14. On or about July 20, 2006, while employed as a Staff Nurse with University Medical Center, Lubbock, Texas, Respondent failed to discharge Patient Medical Record Number 7026987 with prescriptions for Lortab and Levofloxacin, as ordered by the physician. Respondent's conduct was likely to injure the patient in that failing to provide prescriptions, as ordered by the physician, could result in non-efficacious treatment.

15. In response to Finding of Fact Number Fourteen (14), Respondent states that the physician did not order Lortab and Levofloxin. Respondent states that the order was for Levaquin, which is the brand name for Levofloxin and that the patient was given his medication upon discharge.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(10)(C)&(11)(B).

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 147585, heretofore issued to RAY MAC BLAYLOCK, 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 WITH A FINE, 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 nurse licensure compact privileges, if any, to practice 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 nurse licensure compact 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, 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) 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.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper

administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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/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.*

(4) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 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 2 day of April, 2010.

RAY MAC BLAYLOCK, Respondent

Sworn to and subscribed before me this 2nd day of April, 2010.

SEAL
VANESSA BARBOZA
MY COMMISSION EXPIRES
June 7, 2010

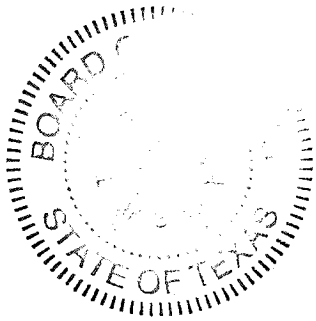
Notary Public in and for the State of Texas

Approved as to form and substance.

Charles Dunn, Attorney for Respondent

Signed this 1 day of April, 2010.

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 2nd day of April, 20 10, by RAY MAC BLAYLOCK, Vocational Nurse License Number 147585, and said Order is final.

Effective this 12th day of April, 20 10.

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