

Respondent's vocational nursing employment history continued:

1999-2004	LVN	MSN Staffing Houston, Texas
2001-1/06	LVN	S.E.V. Staffing Houston, Texas
2/06-1/08	LVN	All About Staffing Houston, Texas
2/08-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with All About Staffing, Houston, Texas, and had been in this position for approximately one (1) year and eleven (11) months.
7. On or about December 26, 2007 and January 2, 2008, while employed as an Agency Nurse with All About Staffing, and on assignment at Mainland Medical Center, Texas City, Texas, Respondent admits he withdrew Ativan and Demerol from the medication dispensing system for patient numbers 960281322 and 960301011 but failed to completely and accurately document administration of the medicine in the patients' Medical 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 patients which could result in an overdose.
8. On or about December 26, 2007 and January 2, 2008, while employed as an Agency Nurse with All About Staffing, and on assignment at Mainland Medical Center, Texas City, Texas, Respondent withdrew Ativan and Demerol from the medication dispensing system for patient numbers 960281322 and 960301011 but failed to follow the policy and procedures for the 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 and Safety Code (Controlled Substances Act).
9. On or about December 26, 2007 and January 2, 2008, while employed as an Agency Nurse with All About Staffing, and on assignment at Mainland Medical Center, Texas City, Texas, Respondent withdrew Ativan and Demerol from the medication dispensing system for patient numbers 960281322 and 960301011 in excess frequency of the physician's orders. Respondent's conduct was likely to injure the patients in that the administration of Ativan and Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

10. In response to Finding of Facts Numbers Seven (7) through Nine (9), Respondent states he reviewed a computer generated report of the MAR which did not reflect the appropriate documentation of administration of these medications by himself. Respondent states he vividly recalled the patient number 960301011 with the Demerol order suffering a great deal of pain with the Physician at the bedside. The Physician ordered to give an extra dose of Demerol right then so he went and got the dose, verified it with the Physician, still at the bedside, and asked him to remember to write the order in the chart. Respondent states when reviewing the chart at Peer Review he did not see a written order or a verbal order written by himself for the extra dose. He states all he could recall was that it was a hectic day and his first time ever to work on the unit with no orientation and heavy work load. Respondent states the removal of the Ativan as an additional dose was due to an extremely difficult patient (#960281322) and after crushing all her medication and mixing them with apple sauce, she spit the mixture out and said she didn't like apple sauce and that he needed to mix it with Jello. Respondent states it appears he failed to accurately document the waste of the medication in the Pyxis.

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),(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 161110, heretofore issued to JASON KENNETH BURD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED 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 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(s) is/are 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 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) 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 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>.

(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://learningext.com/hives/a0f6f3e8a0/summary>.*

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

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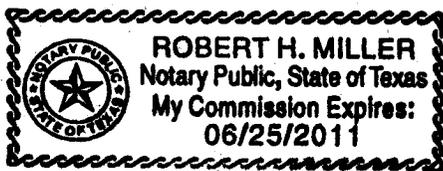
RESPONDENT'S CERTIFICATION

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of May, 2011
Jason Kenneth Burd
JASON KENNETH BURD, Respondent

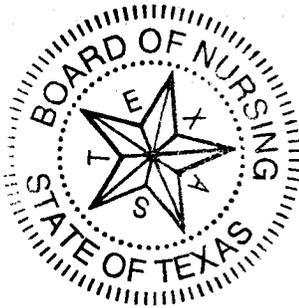
Sworn to and subscribed before me this 31st day of MAY, 2011.

SEAL



Robert H. Miller
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 31st day of May, 2011, by JASON KENNETH BURD, Vocational Nurse License Number 161110, and said Order is final.



Effective this 8th day of June, 2011.

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