

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 668440
ISSUED TO
GORDON McSHERRY

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Gordon McSherry
6100 Ohio Drive, Apt. 1524
Plano, Texas 75024

Gordon McSherry
4425 31st Ave. W
Seattle, WA 98119

During open meeting held in Austin, Texas, on May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 § 213.16(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.

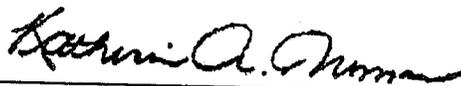
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 668440, previously issued to GORDON McSHERRY, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 30, 2011.

Re: Permanent Certificate Number 668440
Issued to GORDON McSHERRY
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2011, 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):

Gordon McSherry
6100 Ohio Drive, Apt 1524
Plano, Texas 75024

Gordon McSherry
4425 31st Ave. W
Seattle, WA 98119

BY:



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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 668440, Issued to §
GORDON MCSHERRY, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GORDON MCSHERRY, is a Registered Nurse holding license number 668440, which is in delinquent 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 September 16, 2007 through September 17, 2007, while employed as a Registered Nurse with All About Staffing, Irving, Texas, and on assignment with Denton Regional Medical Center, Denton, Texas, Respondent made false entries in the Medical Record for Patient JMM in that he documented a verbal physician's order for Demerol 25mg - 100mg IV every 4-6 hours PRN; however, the physician denied that he gave the order for the Demerol. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient. In addition, Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse reactions as a result of administration of Demerol without a valid physician's order.

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)(A),(D)&(P) and 217.12(1)(B),(C),(4),(6)(A)&(10)(B).

CHARGE II.

On or about September 16, 2007 through September 17, 2007, while employed as a Registered Nurse with All About Staffing, Irving, Texas, and on assignment with Denton Regional Medical Center, Denton, Texas, Respondent withdrew eight hundred twenty-five milligrams (825mg) of Demerol from the Accudose Medication Dispensing System for Patient JMM, without performing a pain assessment. Additionally, Respondent failed to perform pain reassessments for Patient JMM after administering pain medication. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications and failure to detect changes in the patient's status which could have resulted in a delay of timely interventions.

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)(A)&(3)(A) and 217.12(1)(A)&(4).

CHARGE III.

On or about September 16, 2007 through September 17, 2007, while employed as a Registered Nurse with All About Staffing, Irving, Texas, and on assignment with Denton Regional Medical Center, Denton, Texas, Respondent withdrew eight hundred twenty-five milligrams (825mg) of Demerol from the Accudose Medication Dispensing System for Patient JMM, without valid physician's orders. The physician denied giving the order which was documented in the patient's medical record. Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse reactions as a result of the administration of Demerol without a valid physician's order.

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)(A),(C),(M),(P)&(3)(A) and 217.12(1)(A),(B)&(4).

CHARGE IV.

On or about September 16, 2007 through September 17, 2007, while employed as a Registered Nurse with All About Staffing, Irving, Texas, and on assignment with Denton Regional Medical Center, Denton, Texas, Respondent withdrew eight hundred twenty-five milligrams (825mg) of Demerol from the Accudose Medication Dispensing System for Patient JMM which was in excess dosage of physicians' orders which was documented in the patient's medical record. Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse reactions as a result of the administration of Demerol in excess frequency/dosage of the physician's order.

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)(A),(C),(M)&(3)(A) and 217.12(1)(A),(B)&(4).

CHARGE V.

On February 14, 2008, while employed with RHD Memorial Medical Center, Dallas, Texas, Respondent withdrew Morphine 4mg from the Pyxis Medication Dispensing System for Patient WA, but failed to follow the policy and procedure for the wastage of any unused portion. 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)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(B) and 217.12(1)(A),(B),(4)&(10)(C).

CHARGE VI.

On or about August 8, 2008, while employed as a Registered Nurse with UT Southwestern University Hospitals and Clinics, Plano, Texas, Respondent lacked fitness to practice professional nursing in that while on duty Respondent was found in the restroom unconscious, with shallow respirations, cool and clammy, with a bloody hypodermic needle in his sock and required rapid response care. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(4),(5)&(10)(A).

CHARGE VII.

On or about August 8, 2008, while employed with UT Southwestern University Hospitals and Clinics, Plano, Texas, Respondent misappropriated Fentanyl belonging to the facility and/or patient thereof. Respondent's conduct was likely to defraud the facility and patient of the cost of the medication.

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(1)(B),(6)(G)&(8).

CHARGE VIII.

On or about August 8, 2008, while employed with UT Southwestern University Hospitals and Clinics, Plano, Texas, Respondent engaged in the intemperate use of Fentanyl in that he submitted a specimen for a drug screen which resulted positive for Fentanyl. Possession of Fentanyl is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Fentanyl by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(E),(4),(5),(10)(A),(D)&(11)(B).

CHARGE IX.

On or about November 26, 2008 through December 3, 2008, while employed with RPNT Acute Services, Inc., Fort Worth, Texas and on assignment with Baylor Medical Center of Irving, Irving, Texas, Respondent withdrew sixteen (16) doses of Dilaudid (Hydromorphone) from the Pyxis Medication Dispensing System for a patient with no physician's order. Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse reactions as a result of the administration of Dilaudid without a valid physician's order.

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)(A),(C),(P)&(3)(A) and 217.12(1)(A),(B)&(4).

CHARGE X.

On or about November 26, 2008 through December 3, 2008, while employed with RPNT Acute Services, Inc., Fort Worth, Texas and on assignment with Baylor Medical Center of Irving, Irving, Texas, Respondent misappropriated sixteen (16) doses of Dilaudid belonging to the facility and/or patients thereof, or failed to take precautions to prevent the misappropriation in that Respondent withdrew sixteen (16) doses of Dilaudid from the Pyxis Medication Dispensing System for a patient who had been discharged from the facility. Respondent's conduct resulted in an inaccurate pharmacy record and was likely to defraud the facility and the patient 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(A),(G),(8)&(10)(B).

CHARGE XI.

On or about March 20, 2008, to April 6, 2009, while employed as a Registered Nurse with Parkland Health & Hospital System, Dallas, Texas, Respondent misappropriated thirty-three (33) doses of Hydromorphone 2mg and one (1) Morphine 4mg, or failed to prevent the misappropriation of the medications belonging to the facility and/or 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G)&(8).

CHARGE XII.

On or about June 13, 2009, while employed as a Registered Nurse with Supplemental Health Care, Buffalo, New York, and on assignment with Forest Park Medical Center, Dallas, Texas, Respondent misappropriated Ativan, Morphine, and Demerol belonging to the facility and/or the 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G)&(8).

CHARGE XIII.

On or about June 13, 2009, while employed with Supplemental Health Care, Buffalo, New York and on assignment with Forest Park Medical Center, Dallas, Texas, Respondent withdrew Morphine, Ativan and Demerol from the Pyxis Medication Dispensing System for patient in excess frequency/dosage of the physician's order, as follows:

Date/Time	Patient	Physician's Order	Pyxis Record	MAR	Wastage
06/13/09 @ 2059	FC	Morphine 5mg Q 1 hr X3max then Q 2 hrs PRN - (excess frequency)	Morphine 10mg	2030 & 2100	None
06/13/09 @ 2059	FC	Ativan 1mg Q 8 hrs X 2 doses max for agitation	Ativan 1mg	2100	None
6/14/09 @ 0303	FC	same as above	Ativan 1mg	No	None
6/14/09 @ 0452	FC	same as above (excess frequency & dosage)	Ativan 1mg	No	None
6/13/09 @ 2005	MMF	Demerol 50mg & Phenergan 25mg IV Q 3 hrs PRN Pain	Demerol 50mg	No	None
6/13/09 @ 2124	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 0524	MMF	same as above	Demerol 50mg	No	None
6/13/09 @ 0609	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 0640	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 2036	PM	Morphine 5mg IVP Q 1 hr PRN X 3 max then Q 2 hrs PRN - (excess dosage)	Four (4) vials Morphine 4mg	1900 2150	None

Respondent's conduct exposed the patients unnecessarily to a risk of harm in that the administration of medications in excess frequency/dosage of the physician's order could result in the patients suffering from adverse reactions.

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)(A),(C),(P)&(3)(A) and 217.12(1)(A),(B)&(4).

CHARGE XIV.

On or about June 13, 2009, while employed with Supplemental Health Care, Buffalo, New York and on assignment with Forest Park Medical Center, Dallas, Texas, Respondent withdrew Morphine, Ativan and Demerol from the Pyxis Medication Dispensing System, but failed to document the administration of the medication in the patient's Medication Administration Record (MAR), as follows:

Date/Time	Patient	Physician's Order	Pyxis Record	MAR	Wastage
6/14/09 @ 0303	FC	Ativan 1mg Q 8 hrs X 2 doses max for agitation	Ativan 1mg	No	None
6/14/09 @ 0452	FC	same as above (excess frequency & dosage)	Ativan 1mg	No	None
6/13/09 @ 2005	MMF	Demerol 50mg & Phenergan 25mg IV Q 3 hrs PRN Pain	Demerol 50mg	No	None
6/13/09 @ 2124	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 0524	MMF	same as above	Demerol 50mg	No	None
6/13/09 @ 0609	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 0640	MMF	same as above (excess frequency & dosage)	Demerol 50mg	No	None
6/13/09 @ 2036	PM	Morphine 5mg IVP Q 1 hr PRN X 3 max then Q 2 hrs PRN - (excess dosage)	Four (4) vials Morphine 4mg	1900 2150	None

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.

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)(A)&(D) and 217.12(1)(A),(B),(C)&(4).

CHARGE XV.

On or about September 11, 2009, while employed as a Registered Nurse with Advantage Nursing Services, LLC., Dallas, Texas, and on assignment with Methodist Richardson Regional Hospital, Richardson, Texas, Respondent misappropriated Demerol, Hydrocodone, and Morphine belonging to the facility and/or patients thereof. On September 12, 2009, Respondent admitted to facility staff that he misappropriated the Demerol, Hydrocodone, and Morphine for his own use. 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 is a violation of §217.12(1)(B),(6)(G)&(8).

CHARGE XVI.

On or about September 12, 2009, while employed as a Registered Nurse with Advantage Nursing Services, LLC., Dallas, Texas, and on assignment with Methodist Richardson Regional Hospital, Richardson, Texas, Respondent engaged in the intemperate use of Demerol, Hydrocodone and Morphine in that Respondent admitted to facility staff that he self-administered Demerol, Hydrocodone, and Morphine while on duty. A used syringe and a vial of Phenergan were found in Respondent's backpack by security. Possession of Demerol, Hydrocodone and Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol, Hydrocodone and Morphine by a Registered Nurse, while subject to call or duty, could

impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(10)(A)&(11)(B).

CHARGE XVII.

On or about January 4, 2010, while employed as a Registered Nurse with Silverado Hospice of Texas, Irving, Texas, Respondent lacked fitness to practice professional nursing in that while on duty, making an onsite visit to a patient's home, Respondent remained in the restroom for over an hour. After leaving the restroom, Respondent was pale, had slurred speech, was staring out of the window not alert to conversation, and unable to perform a patient assessment. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(4)&(5).

CHARGE XVIII.

On or about January 4, 2010, while employed as a Registered Nurse with Silverado Hospice of Texas, Irving, Texas, Respondent engaged in the intemperate use of Hydromorphone. Respondent admitted to the supervisor that he diverted a patient's Hydromorphone for his own use. Possession of Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(10)(A)&(11)(B).

CHARGE XIX.

On or about March 8, 2010, while employed as a Registered Nurse by Texas Specialty Hospital at Dallas, Dallas, Texas, Respondent removed Morphine from the Medication Dispensing System but failed to document the administration of the medication in the patient's Medication Administration Records (MAR) and/or nurse's notes. Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.

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)(A)&(D) and 217.12(1)(A),(B),(C)&(4).

CHARGE XX.

On or about March 8, 2010, while employed as a Registered Nurse with Texas Specialty Hospital at Dallas, Texas, Respondent engaged in the interperate use of Morphine in that Respondent provided a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(10)(A),(D)&(11)(B).

CHARGE XXI.

On or about July 21, 2010, while employed as a Registered Nurse with Texas Health Presbyterian Hospital Flower Mound, Flower Mound, Texas, Respondent left his nursing assignment without notifying the supervisor or staff. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in the patients not getting the care that they needed.

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)(A)&(I) and 217.12(1)(A),(E),(4)&(12).

CHARGE XXII.

On or about July 21, 2010, while employed as a Registered Nurse with Texas Health Presbyterian Hospital Flower Mound, Flower Mound, Texas, Respondent lacked fitness to practice professional nursing in that Respondent left his nursing assignment without notifying his supervisor. He was contacted by phone and instructed to return to the facility. Respondent returned at which time he was observed to exhibit erratic behavior and he had red, glassy eyes. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

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(1)(E),(4)&(5).

CHARGE XXIII.

On or about July 21, 2010, while employed as a Registered Nurse with Texas Health Presbyterian Hospital Flower Mound, Flower Mound, Texas, Respondent misappropriated Dilaudid belonging to the facility and/or patients thereof. Respondent's conduct was likely to defraud the facility and the patient 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 is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G)&(8).

CHARGE XXIV.

On or about July 21, 2010, while employed as a Registered Nurse with Texas Health Presbyterian Hospital Flower Mound, Flower Mound, Texas, Respondent engaged in the intemperate use of Opiates in that Respondent submitted a specimen for a drug screen which resulted positive for Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(10)(A),(D)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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).

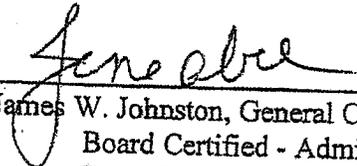
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/disc-matrix.html.

Filed this 30th day of March, 2011.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

D/2010.12.28