BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Vocational Nurse	§	AGREED
License Number 208681, issued to	§	
RAYMOND LEONARD RODRIGUEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of RAYMOND LEONARD RODRIGUEZ, Vocational Nurse License Nun 208681, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on November 1, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).

2. Respondent waived representation by counsel, 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 Degree in Nursing from San Jacinto College, Houston, Texas, on December 15, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on February 8, 2007.

5. Respondent's nursing employment history includes:

07/07 - 12/08	Home Health LVN	Extended Hand Sugarland, Texas

Respondent's nursing employment history continued:

02/07 - present	Private Duty Nursing (PRN)	Epic Medstaff Houston, Texas
10/07 - present	Agency LVN (PRN)	Ultrastaff Houston, Texas
09/08 - 11/09	Staff Nurse	Behavioral Hospital of Bellaire Houston, Texas
12/09 - present	Private Duty Nursing/ Pediatrics	Consolidated Home Health Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Behavioral Hospital of Bellaire, Houston, Texas, and had been in this position for one (1) year and one (1) month.

7. On or about October 17, 2009, while employed with Behavioral Hospital of Bellaire, Houston, Texas, Respondent failed to administer Klonopin to Patient JW, as ordered by the physician. The Medication Dispensing System (MedDispense) reflected no Klonopin was removed for Patient JW during Respondent's shift. Respondent's conduct exposed the patient unnecessarily to a risk of harm from a delay of treatment of his disease process.

8. On or about November 6, 2009, while employed with Behavioral Hospital of Bellaire, Houston, Texas, Respondent withdrew Klonopin at 1:28 p.m. from the Medication Dispensing System (MedDispense) for Patient LD, but failed to document the administration of the medication in the patient's Medication Administration Record. Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on the documentation to further medicate the patient which could result in an overdose

9. On or about November 6, 2009, while employed with Behavioral Hospital of Bellaire, Houston, Texas, Respondent withdrew Hydrocodone and Klonopin (Clonazepam) from the Medication Dispensing System (MedDispense) for Patient LD, in excess frequency/dosage of the physician's order, as follows:

Date/Time	Patient	Physician's Order	PYXIS	MAR
11/6/09 @ 10:17am	LD	Klonopin 1mg PO BID	Clonazepam 1mg	0900
11/6/09 @ 1:28pm	LD	same	Clonazepam 1mg	None
11/6/09 @ 5:21pm	LD	same	Clonazepam 1mg	1700
11/6/09 @ 7:19am	LD	Lortab 10/500 1 tab PO Q 8 hrs PRN	Hydrocodone10/500mg	0830
11/6/09 @ 1:28pm	LD	Lorcet 10/500 1 tab PO Q 8 hrs PRN	Hydrocodone10/500mg	0200
11/6/09 @ 5:23pm	LD	Lortab 10/500 1 tab PO Q 8 hrs PRN	Hydrocodone10/500mg	1730

Respondent's conduct was likely to injure the patient in the administration of Klonopin and Hydrocodone in excess frequency/dosage of the physician's order could result in the patient suffering from adverse reactions.

10. In response to Finding of Fact Number Seven (7), Respondent states that he used medications from Patient JW's personal pull out drawer. He did not use medication from the med dispense. He documented giving medication on Patient JW's MAR. He was later called to the Director of Nursing's office and counseled for using medications that were in Patient JW's pull out drawer. He was instructed to always use medications from the med dispense.

In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that on November 16, 2009, he is not sure what occurred which resulted in him not documenting or giving an extra dose of medication to Patient LD. On this day the unit had twenty plus patients and he was the medication nurse on duty. He gave the medications and documented for all the other patients on the unit, however sometimes there are behavior problems on the unit such as patient outburst and disturbances that may have distracted him. He accepts responsibility and is sorry it happened.

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)(C)&(D) 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 208681, heretofore issued to RAYMOND LEONARD RODRIGUEZ, including revocation of Respondent's license(s) to practice 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 WARNING 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 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 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, 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 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.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in 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 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.

(6) RESPONDENT SHALL CAUSE each present employer in 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 nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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 nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational 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) month period for one (1) year of employment as a nurse.

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

Signed this 1 day of December, 20 10.

RAYMOND LEONARD RODRIGUEZ, Respondent

Sworn to and subscribed before me this 1 day of December, 20 10.

SEAL

Notary Public in and for the State of Texas

ADAM GOMEZ
Notary Public
STATE OF TEXAS
My Comm. Exp. Apr. 13, 2013

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of December, 2010, by RAYMOND LEONARD RODRIGUEZ, Vocational Nurse License Number 208681, and said Order is final.

Effective this **27th** day of **January**, **2011**.

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