

BEFORE 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 R. Thomas
Executive Director of the Board

In the Matter of Vocational Nurse §
License Number 144057, issued to §
JESSE DAVID PERKINS §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 144057, issued to JESSE DAVID PERKINS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received Certificate in Vocational Nursing from Victoria College, Gonzales, Texas, on August 20, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 1, 1993.

4. Respondent's nursing employment history includes:

12/93 - 11/95	Unknown	
12/95 - 07/00	MDS/Care Plan Coordinator	Golden Age Home Health Lockhart, Texas
07/00 - 12/00	LVN/Assistant DON	Silver Pines Nursing Home Bastrop, Texas

Respondent's nursing employment history continued:

01/01 - 04/01	Assistant DON	Oakcrest Manor Austin, Texas
04/01 - 09/03	MDS/Care Plan Coordinator	Capital City Health & Rehabilitation Austin, Texas
10/03 - 03/04	LVN Charge Nurse	Cartwheel Lodge Lulling, Texas
01/04 - 04/04	LVN Charge Nurse	Lulling Care Center Lulling, Texas
05/04 - 08/08	LVN Staff Nurse	Austin State School Austin, Texas
08/08 - 07/10	LVN Staff Nurse	Austin State Hospital Austin, Texas
08/10 - Present	Not employed in nursing/retired	

5. Formal Charges were filed on October 15, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on October 15, 2010.
7. On October 26, 2010, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated October 21, 2010, is attached and incorporated herein by reference as part of this Order.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(J)&(M) and 217.12(6)(C),(D)&(E).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 144057, heretofore issued to JESSE DAVID PERKINS, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 29th day of October, 2010.

TEXAS BOARD OF NURSING



By:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 144057, Issued to §
JESSE DAVID PERKINS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JESSE DAVID PERKINS, is a Vocational Nurse holding license number 144057, which is in current 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 February 1, 2009, while employed with Austin State Hospital, Austin, Texas, Respondent sexually abused Patient Medical Record Number 106710, in that he caressed/sexually touched the patient's breast while he was alone with her in the medication room. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

The above action constitutes grounds for disciplinary action in accordance with Sections 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(J) and 217.12(6)(C),(D)&(E).

CHARGE II.

On or about April 8, 2010, while employed with Austin State Hospital, Austin, Texas, Respondent physically abused Patient Medical Record Number 134942 in that Respondent grabbed the patient's right hand and squeezed his fingers then threw Patient Medical Record Number 134942 against the wall causing the patient to be lodged between the studs in the wall. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional, psychological, and physical harm.

The above action constitutes grounds for disciplinary action in accordance with Sections 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(M) and 217.12(1)(A),(B),(4)&(6)(C).

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 Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. 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).

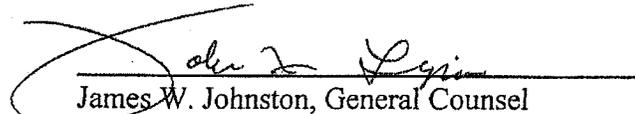
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 for Sexual Misconduct, 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/discp-matrix.html.

Filed this 15th day of October, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
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TEXAS BOARD OF NURSING

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MS 48 700

Ms. Keal

In response to your most recent letter. The first allegation is completely false and was retaliatory/preemptive report by a staff member.

The second allegation I freely admitted that I did not follow proper protocol/procedure during a safety restraint. I did not throw or push the consumer, but I did let the situation escalate out of control.

You may ask those who know me, that May 04 2010 was the day I had picked to quit nursing but this incident allured first.

This being said, no matter what the outcome I never intended to return to any type of health care work. Even if I wanted to there is no job available.

The two years at ASH left me so emotionally scarred I would never be able to be an effective nurse again.

I have survived this only because my family noticed I was saying good-bye to them and got me some help.

With this I freely release my license #144057 for removal.

Thank you

[Signature]
10/21/2010