



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 655550 §
issued to JULIUS BALOGH § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board was initiated relating to JULIUS BALOGH, Registered Nurse License Number 655550, hereinafter referred to as Respondent.

An informal conference was held on December 29, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Ace Pickens, Attorney at Law. In attendance for Board staff were Katherine A. Thomas, MN, RN, Executive Director; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Kathy Duncan, RN, Nurse Investigator; Toni Frizell, RN, CNOR, Nurse Investigator; and J. L. Skylar Caddell, RN-BC, Legal Nurse Investigator. No resolution to the matter was agreed to at the above formal conference.

Subsequent to the informal conference, a formal charge was initiated by the Staff of the Board and the matter was forwarded to the State Office of Administrative Hearings (SOAH) for a hearing before an Administrative Law Judge. The matter was docketed at SOAH as Docket No. 507-10-3329, Certificate No. 65550.

FINDINGS OF FACT

1. Respondent received all notices required by law. All jurisdictional elements have been satisfied.

2. Respondent is currently licensed to practice professional nursing in the State of Texas.
3. Respondent received a Diploma in Nursing from Mohawk College, Hamilton, Ontario, Canada, in February 1998. Respondent was licensed to practice professional nursing in the State of Minnesota on August 18, 1998; was licensed to practice professional nursing in the State of Texas on October 2, 1998; and was licensed to practice professional nursing in the State of South Carolina on February 1, 1999.

4. Respondent's nursing employment history includes:

8/1998 - 12/1998	Unknown	
1/1999 - 9/1999	Operating Room Supervisor	Carolina's Hospital Florence, South Carolina
9/1999 - 7/2000	Operating Room Nurse	St. Francis Hospital Poughkeepsie, New York
7/2000 - 1/2001	Operating Room Nurse	Methodist Hospital Houston, Texas
2/2001 - 5/2001	Unknown	
6/2001 - 6/2003	Operating Room Supervisor	Memorial Hermann Hospital Houston, Texas
6/2003 - 12/2007	Office/Surgical Nurse	Adam Naaman, MD Houston, Texas
12/2007 - 6/2008	OR Nurse	Memorial Hermann Medical Center Transplant and Trauma Service Houston, Texas
6-2008 - Present	Student	Trinity Medical School (Kingston St. Vincent, West Indies)

5. At the time of the matters which were the subject of the Formal Charges, Respondent was employed as an Office/Surgical Nurse with Adam Naaman, MD, Houston, Texas, and had been in this position for three (3) years.
6. The Staff of the Board has made certain allegations which are set forth in Formal Charges in SOAH Docket N. 507-10-3329. The Formal Charges read as follows:

On or about June 19, 2006, while employed as a Office/Surgical Nurse with Adam Naaman, MD, Houston, Texas, Respondent exceeded his authorized scope of nursing practice and executed the physician's delegated "wound infection algorithm" after assessing Patient WL and noting the patient had redness and edema signs of infection at her surgical site during her first office visit after having gastric bypass surgery. Based upon the physician's algorithm, Respondent prescribed "Cipro suspension 500 mg" twice daily for ten (10) days, without first either notifying the physician of his assessment findings and obtaining a verbal order from the physician, or having the physician evaluate the patient and write the order. Respondent wrote the prescription using the physician's prescription pad, stamped the prescription with the physician's signature stamp, and handed the prescription to the patient. Respondent's conduct was likely to injure the patient from non-efficacious care.

7. Respondent has asserted that: (a) on 6-19-06 he assessed patient WL, being seen on post-operative follow-up of gastric bypass surgery, as having redness and edema signs of infection at her surgical site; (b) after consultation with the physician, who agreed with the assessment, the physician approved and signed a prescription for an antibiotic; and (c) the patient subsequently healed with no problem.
8. Respondent understands that he has the option to insist on proof by the Staff of the Board at a SOAH contested case proceeding of all the allegations made.
9. The parties agree that bona fide disputes and controversies exist, both as to the facts and extent of a violation of the laws relating to nursing.
10. The execution of this order is not an admission of any adverse fact or conclusion of law. Respondent specifically denies any violation of any applicable law.
11. Respondent specifically agrees to comply with the terms 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. Section 301.452, Texas Occupations Code authorizes the Board to take disciplinary action against any registered nurse, for proven failure to provide adequate care for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the Board's opinion, exposes a patient or other person unnecessarily to risk of harm.
4. Section 301.463, Texas Occupations Code and Administrative Procedure Act, Section 2001.056 permits the Board to resolve and make disposition of this matter by this order.

ORDER

Subject to ratification by the Texas Board of Nursing, RESPONDENT agrees to the entry of this Order requiring REMEDIAL EDUCATION WITH A FINE. 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.

RESPONDENT agrees to the following:

(1) This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(2) While Respondent's license is subject to 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.

(3) RESPONDENT agrees, and it is ordered that, 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>*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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 automatically 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.

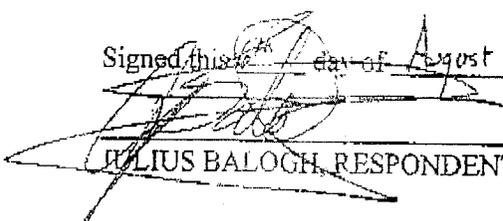
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RESPONDENT'S CERTIFICATION

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. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

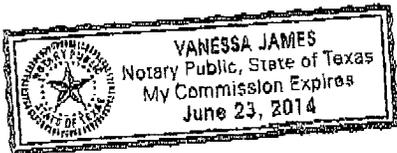
Signed this 9th day of August, 2010.

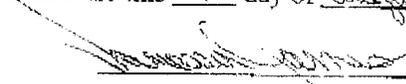


JULIUS BALOGH, RESPONDENT

Sworn to and subscribed before me this 9th day of August, 2010.

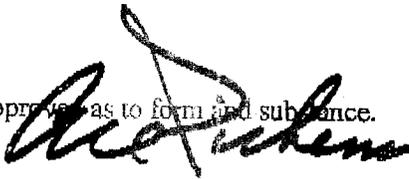
SEAL





Notary Public in and for the State of Texas

Approved as to form and substance.



Ace Pickens, Attorney for Respondent

Signed this 9th day of August, 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 6th day of August, 2010, by JULIUS BALOGH, Registered Nurse License Number 655550, and said Order is final.



Effective this 13th day of August, 2010.

A handwritten signature in black ink, appearing to read 'Katherine A. Thomas'.

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