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Patricia P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 675349 §
issued to JOEL JAMES KING §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 675349, issued to JOEL JAMES KING, 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 professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from El Centro College, Dallas, Texas on December 14, 2000. Respondent was licensed to practice professional nursing in the State of Texas in February 13, 2001.

4. Respondent's nursing employment history includes:

10/2000 - 1/2004	Registered Nurse ER, ICU, Med/Surg.	Medical Center at Lancaster Lancaster, Texas
1/2004 - 11/2006	Registered Nurse ER	Medical Center at Arlington Arlington, Texas

Respondent's nursing employment history continued:

11/2006 - 6/2007	Unknown	Unknown
6/2007 - 1/2010	Charge Nurse	Huguley Memorial Medical Center Fort Worth, Texas
1/2010 - 7/2010	Registered Nurse	Rolling Plains Hospital Sweetwater, Texas
8/2010 - Present	Not employed in nursing	

5. At the time of the incidents in Findings of Fact Numbers Six (6) through Nine (9), Respondent was employed as a Staff Nurse and had been in this position for two (2) years and six (6) months.
6. On or about December 15, 2009 through January 12, 2010, while employed as Charge Nurse with Huguley Memorial Medical Center, Fort Worth, Texas, Respondent withdrew controlled substances from the medication dispensing system for patients in excess of, or without valid physician's orders, as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR (includes responses to medications)	Wastage	Additional Notes
12/15/09@1832	6074564	10 mg Morphine	Morphine 1-2mg IV q 1 hr prn	1830 2 mg	8 mg	In excess of order
12/15/09@1851		10 mg Morphine		1902 2 mg	8 mg	In excess of order
12/15/09@1912		200 mcg Fentanyl	No order	Not documented	Not documented	
12/15/09@2025		200 mcg Fentanyl	No order	Not documented	Not documented	
12/15/09@2057		10 mg Morphine	Morphine 1-2mg IV	2 mg	8 mg	
12/15/09@2115		10 mg Morphine	q 1 hr prn	2 mg	8mg @ 0106 12/16	In excess of order
12/15/09@2336		200 mcg Fentanyl	No order	Not documented	None	
12/16/09@2115		200 mcg Fentanyl	No order	Not documented	None	
12/16/09@2201	200 mcg Fentanyl	No order	Not documented	Not documented	None	
12/17/09@1836	6112540	200 mcg Fentanyl	100-150 mg	150 mcg	50 mcg	In excess of order
12/17/09@1906		100 mcg Fentanyl	Fentanyl IV q 2 hr	150 mcg	50 mcg	In excess of order
12/17/09@1940		100 mcg Fentanyl	prn	150 mcg	50 mcg	In excess of order
12/30/09@0446	169935	300 mcg Fentanyl	No order	Not documented	50 mcg	
1/5/10@2355	165178	200 mcg Fentanyl	Fentanyl/Versed	2355 25 mcg	50 mcg wasted	125 mcg not wasted
1/6/10@0042		200 mcg Fentanyl	25mg IV q 2 hr for sedation	1145 25 mcg	50 mcg wasted	125 mcg not wasted
1/6/10@0214		200 mcg Fentanyl		0210 150 mcg	None	In excess of order
1/6/10@0456		100 mcg Fentanyl		0500 25 mcg	None	""
1/6/10@1846		200 mcg Fentanyl		1845 150 mcg	None	
1/6/10@1944		200 mcg Fentanyl		1945 150 mcg	None	In excess of order
1/6/10@2104		200 mcg Fentanyl		2105 25 mcg	None	In excess of order

1/7/10@0329 1/7/10@0440 1/7/10@0603		200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl		0320 150 mcg 0450 25mcg Not documented	None None None	In excess of order
1/8/10@0703 1/8/10@0938	218	200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 50 mcg IV q 1 hr prn	0700 125 mcg 0950 125 mcg	None None	in excess of order in excess of order
1/11/10@1835 1/11/10@1858 1/11/10@1931 1/12/10@0528 1/12/10@0950	276486	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	50 mcg Fentanyl ONE-TIME PRN	1840 125 mcg 1900 125 mcg 1940 125 mcg 0530 125 mcg 1004 125 mcg	75mcg wasted 1/12/10 @ 0411 75mcg wasted 1/12/10 @ 0411 75mcg wasted 1/12/10 @ 0411 75 mcg wasted 1000 75 mcg wasted at 1007	wasted 9.5 hrs later. In excess of order wasted 9 hrs later. In excess of order wasted 8.5 hrs later. In excess of order wasted 5 hrs later. In excess of order In excess of order

Respondent's conduct was likely to injure patients in that the administration of controlled substances in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

7. On or about December 15, 2009 through January 12, 2010, while employed as Charge Nurse with Huguley Memorial Medical Center, Fort Worth, Texas, Respondent withdrew controlled substances from the medication dispensing system but failed to document the administration, including signs, symptoms and responses to medications in the patients' Medication Administration Records or Nurses' Notes, as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR (includes responses to medications)	Wastage
12/15/09@1912 12/15/09@2025 12/15/09@2336 12/16/09@2115 12/16/09@2201	6074564	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	No order No order No order No order Morphine 1-2mgIV q 1 hr prn	Not documented Not documented Not documented Not documented Not documented	None None None None None
12/16/09@1844 12/16/09@1933	6126891	200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 50 mg IV (may repeat X1)	Not documented Not documented	None None
12/21/09@0307 12/21/09@0400 12/21/09@2306 12/21/09@2353 12/25/09@0229	157170	2 mg Dilaudid 200 mcg Fentanyl 2 mg Dilaudid 2 mg Dilaudid 2 mg Dilaudid	Dilaudid 2mg IV 1-2 hr	Not documented Not documented Not documented Not documented Not documented	1mg 150 mcg None None None
12/21/09@1845	6128806	200 mcg Fentanyl	Fentanyl 50 mcg q 2 hr	Not documented	None None

12/21/10@2148		10 mg Morphine	Morphine 2 mg q 30 min	Not documented	None
12/30/09@0446 12/31/09@0521	169935	300 mcg Fentanyl 2 Norco/5/325 tabs	No order Norco 5 mg q 4 hrs	Not documented Not documented	50 mcg None
1/12/10@0118	6074678	200 mcg Fentanyl	50 mcg fentanyl ONE-TIME for sheath removal	Not documented	none

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 15, 2009 through January 12, 2010, while employed as Charge Nurse with Huguley Memorial Medical Center, Fort Worth, Texas, Respondent withdrew controlled substances from the medication dispensing system, but failed to follow the policy and procedure regarding wastage of unused portions of the medications as follows:

Date/Time	Patient #	Medication	Physician's Order	MAR (includes responses to medications)	Wastage	Additional Notes
12/15/09@1851 12/15/09@1912 12/15/09@2115 12/15/09@2336 12/16/09@2115 12/16/09@2201	6074564	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	No order No order No order No order No order	Not documented Not documented Not documented Not documented Not documented	None None None None None	
12/16/09@1844 12/16/09@1933	6126891	200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 50 mg IV (may repeat X1)	Not documented Not documented	None None	
12/16/09@0519 12/16/09@0602	6126535	100 mcg Fentanyl 100 mcg Fentanyl	Fentanyl 50 mcg q 1hr prn	0530 25 mcg 0610 25 mcg	None None	
12/18/09@0440 12/20/09@1850 12/20/09@2341 12/21/09@0307 12/21/09@0400 12/21/09@2306 12/21/09@2353 12/24/09@1907 12/25/09@0229	157170	2 mg Dilaudid 2 mg Dilaudid 2 mg Dilaudid 2 mg Dilaudid 200 mcg Fentanyl 2 mg Dilaudid 2 mg Dilaudid 4 mg Dilaudid 2 mg Dilaudid	Dilaudid 2mg IV 1- 2 hr No Order	0430 1 mg 1850 1 mg 2342 1 mg Not documented Not documented Not documented 1910 2 mg Not documented	None None None 1mg 150 mcg None None None None	1 mg not wasted 1 mg not wasted 1 mg not wasted 2 mg not wasted
12/21/09@1845 12/21/10@2148	6128806	200 mcg Fentanyl 10 mg Morphine	Fentanyl 50 mcg q 2 hr Morphine 2 mg q 30 min	Not documented Not documented	None None None	
12/21/09@2104 12/22/09@0306 12/22/09@1810 12/22/09@1915 12/22/09@2333	103684	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 100 mcg q 2 hr	2110 100 mcg 0306 100 mcg 1810 100 mcg 1950 100 mcg 2345 100 mcg	None None None None None	100 mcg not wasted 100 mcg not wasted 100 mcg not wasted 100 mcg not wasted 100 mcg not wasted

1/5/10@2208		10 mg Morphine	2 hr pain & Morphine 2 mg q 1hr prn shortness of breath	Not documented	None	
1/5/10@1903 1/5/10@2034 1/8/10@0703 1/8/10@0938 1/8/10@1620	218	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 50 mcg IV q 1 hr prn	Not documented Not documented 0700 125 mcg 0950 125 mcg Not documented	None None None None None	in excess of order in excess of order
1/11/10@1835 1/11/10@1858 1/11/10@1931 1/12/10@0528 1/12/10@0950	276486	200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl 200 mcg Fentanyl	50 mcg Fentanyl ONE-TIME PRN	1840 125 mcg 1900 125 mcg 1940 125 mcg 0530 125 mcg 1004 125 mcg	75mcg wasted 1/12/10 @ 0411 75mcg wasted 1/12/10 @ 0411 75mcg wasted 1/12/10 @ 0411 75 mcg wasted 1000 75 mcg wasted at 1007	wasted 9.5 hrs later. In excess of order wasted 9 hrs later. In excess of order wasted 8.5 hrs later. In excess of order wasted 5 hrs later. In excess of order In excess of order
1/12/10@0118	6074678	200 mcg Fentanyl	50 mcg fentanyl ONE-TIME for sheath removal	Not documented	none	
1/11/10@2024 1/12/10@0747	152516	200 mcg Fentanyl 200 mcg Fentanyl	Fentanyl 50 mcg q 2 hr prn	1020 25 mcg 0750 25 mcg	75 mcg 0518 1/12 None	100 mcg not wasted

Respondent's conduct was deceiving and placed the hospital pharmacy in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about December 15, 2009 through January 12, 2010, while employed as Charge Nurse with Huguley Memorial Medical Center, Fort Worth, Texas, Respondent misappropriated controlled substances or failed to take precautions to prevent the misappropriation of controlled substances from the facility or the patients thereof. Respondent's conduct was likely to defraud the facility and the patients thereof.
10. Formal Charges were filed on June 23, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
11. Formal Charges were mailed to Respondent on June 24, 2010.
12. On August 5, 2010, Respondent was provided notice by the Board of the following allegations:

On or about July 19, 2010 through July 23, 2010, while employed with Rolling Plains Hospital, Sweetwater, Texas, Respondent:
 1. was observed dropping an unknown object into the narcotic drawer and then slamming it shut. Later a pharmacist found two (2) 10 mg vials of morphine sulfate in a patient's medication drawer outside of the locked narcotic drawer;
 2. tampered with twenty-seven (27) vials of morphine sulfate and thirteen (13)

- ampules of fentanyl 100 mcg; and
3. misappropriated morphine and fentanyl from the facility and patients thereof.
 13. On August 16, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated August 16, 2010, is attached and incorporated herein by reference as part of this Order.
 14. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
 15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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),(1)(C)&(10)(D) and §217.12(1)(A),(4),(6)(G),(8),(10)(C)&(11)(B).
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 Registered Nurse License Number 675349, heretofore issued to JOEL JAMES KING, to practice professional 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 nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. 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 professional nursing in the State of Texas.

Effective this 17th day of August, 2010.



TEXAS BOARD OF NURSING

By:

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

Texas Board of Nursing, I voluntarily surrender
my nursing license. 8-16-2010

Joel J. King

Joel J. King

Box 446

Roby, TX 79543

