

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 649243
ISSUED TO
JULIE HENDRIX

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Julie Hendrix
5421 Balsam Pl #101
Mason, OH 45040

During open meeting held in Austin, Texas, on May 13, 2003, the Eligibility and Disciplinary Committee (herinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE, §213.16.

The Committee of the Board of Nurse Examiners 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 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE, §213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code, §2001.056 and 22 Texas Administrative Code, §213.16.

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 to set aside the default order (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 649243, previously issued to JULIE HENDRIX, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 649243, previously issued to JULIE HENDRIX, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 15th day of May, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 649243
Issued to JULIE HENDRIX
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2003, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via first class mail, and addressed to the following person(s):

JULIE HENDRIX
5421 Balsam Pl #101
Mason, OH 45040

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE BOARD
 Number 649243, Issued to § OF NURSE EXAMINERS
 JULIE HENDRIX, Respondent § FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JULIE HENDRIX, is a Registered Nurse holding license number 649243, 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 November 3, 2001, while employed with Baylor Richardson Medical Center, Richardson, Texas, Respondent withdrew Demerol from the Pyxis Medication System for Patient Medical Record #282045, but failed to document the administration and wastage of Demerol in the patient's medical records, as follows:

Date/Time	Pyxis Medication System	Physician's Order	Patient Controlled Analgesic (PCA) Flowsheet	Nurses Notes	Waste
11/03/01 @ 1500	(1) 300mg Meperidine PCA inj	Demerol 15mg q 10 min - 250 mg q 4hr lockout	not documented	not documented	no
11/03/01 @ 1856	"	"	"	"	"

Respondent's conduct was likely to injure, defraud, and deceive the patient and/or the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4) & (18).

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CHARGE II.

On or about November 3, 2001, while employed with Baylor Richardson Medical Center, Richardson, Texas, Respondent withdrew Demerol from the Pyxis Medication System without a physician's order for Patient Medical Record #387310, as follows:

Date/Time	Pyxis Medication System	Physician's Order	PCA Flowsheet	Nurses Notes	Waste
11/03/01 @ 1606	(1) 300mg Meperidine PCA inj	No Order - Demerol PCA Discontinued @ 1430	not documented	not documented	no
11/03/01 @ 1733	"	"	"	"	"

Respondent's conduct was likely to injure, defraud, and deceive the patient and/or the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(3).

CHARGE III.

On or about November 3, 2001, while employed with Baylor Richardson Medical Center, Richardson, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to injure, defraud and deceive the patients and/or the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(19).

CHARGE IV.

On or about November 25, 2001, while employed with Advantage Nursing Services, Inc., Dallas, Texas, and on assignment at Mesquite Community Hospital, Mesquite, Texas, Respondent signed out Demerol on the Scheduled II Narcotic Record, but failed to document the administration of Demerol in the patient's medical records, as follows:

Date	Time	Medical Record #	Physician's Orders	Scheduled II Narcotic Record	Medication Administration Record (MAR)	Nurses Notes	Waste
11/25/01	1630	M142050	Order discontinued prior to Respondent's shift	25mg Demerol	Not documented	Not documented	No

Respondent's conduct was likely to injure, defraud and deceive the patients and/or the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4).

CHARGE V.

On or about November 25, 2001, while employed with Advantage Nursing Services, Inc., Dallas, Texas, and on assignment at Mesquite Community Hospital, Mesquite, Texas, Respondent signed out Demerol on the Scheduled II Narcotic Record without a physician's order for Patient Medical Record #M142050, as follows:

Date	Time	Medical Record	Physician's Orders	Scheduled II Narcotic Record	MAR	Nurses Notes	Waste
11/25/01	1630	M142050	Order discontinued prior to Respondent's shift	25mg Demerol	Not documented	Not documented	No

Respondent's conduct was likely to injure, defraud and deceive the patients and/or the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) and (3).

CHARGE VI.

On or about November 25, 2001, while employed with Advantage Nursing Services, Inc., Dallas, Texas, and on assignment at Mesquite Community Hospital, Mesquite, Texas, Respondent exhibited impaired behavior including blood shot eyes, deep dark circles around her eyes, unable to keep eyes open, slurred speech, and decreased performance level. Respondent's conduct was likely to injure the patients and/or the public.

The above action constitutes a violation of Section 301.452(b)(10) and (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12).

CHARGE VII.

Respondent has defaulted on her student loan to the Texas Guaranteed Student Loan Corporation, as provided in Section 57.491 of the Texas Education Code. Respondent's conduct was likely to defraud the public.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(26).

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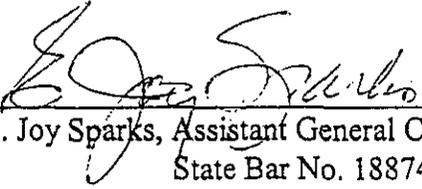
NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as a part of this pleading.

Filed this 30th day of January, 20 03.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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Attachments: Sections 301.452(b)
Section 213.33, 22 Texas Administrative Code (repeal and new chapter adopted 06/98,
change effective 09/01/98. Amended 06/99, effective 07/20/99)
Section 217.12, 22 Texas Administrative Code

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

Sec. 301.452. Grounds for Disciplinary Action.

- (b) A person is subject to denial of a license or to disciplinary action under this subchapter for:
- (1) a violation of this chapter or a rule or order issued under this chapter;
 - (2) fraud or deceit in procuring or attempting to procure a license to practice professional nursing;
 - (3) a conviction for a felony or for a misdemeanor involving moral turpitude;
 - (4) conduct that results in the revocation of probation imposed because of conviction for a felony or for a misdemeanor involving moral turpitude;
 - (5) use of a nursing license, diploma, or permit, or the transcript of such a document, that has been fraudulently purchased, issued, counterfeited, or materially altered;
 - (6) impersonating or acting as a proxy for another person in the licensing examination required under Section 301.253 or 301.255;
 - (7) directly or indirectly aiding or abetting an unlicensed person in connection with the unauthorized practice of professional nursing;
 - (8) revocation, suspension, or denial of, or any other action relating to, the person's license to practice nursing in another jurisdiction;
 - (9) intemperate use of alcohol or drugs that the board determines endangers or could endanger a patient;
 - (10) unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive, defraud, or injure a patient or the public;
 - (11) adjudication of mental incompetency;
 - (12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public; or
 - (13) failure to care adequately for a patient or to conform to the minimum standards of acceptable professional nursing practice in a manner that, in the board's opinion, exposes a patient or other person unnecessarily to risk of harm.

(formerly V.A.C.S. Art. 4525, Subsecs. (a) (part), as amended Acts 73rd Leg., R.S., Ch. 436, (a) (part), as amended Acts 73rd Leg., R.S., Ch. 840, (b), as amended Acts 73rd Leg., R.S., Ch. 840.) effec 0999 (301452b.099

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

§213.33. Penalty/Sanction Factors.

(a) The following factors shall be considered by the executive director when determining whether to dispose of a disciplinary case by fine or by fine and educational stipulation and the amount of such fine. These factors shall be used by the State Office of Administrative Hearings and the Board in determining the appropriate penalty/sanction in disciplinary cases:

(1) evidence of actual or potential harm to patients, clients or the public;

(2) evidence of a lack of truthfulness or trustworthiness;

(3) evidence of misrepresentation(s) of knowledge, education, experience, credentials or skills which would lead a member of the public, an employer, a member of the health-care team, or a patient to rely on the fact(s) misrepresented where such reliance could be unsafe;

(4) evidence of practice history;

(5) evidence of present lack of fitness;

(6) evidence of prior disciplinary history by the Board or any other health care licensing agency in Texas or another jurisdiction;

(7) the length of time the licensee has practiced;

(8) the actual damages, physical or otherwise, resulting from the violation;

(9) the deterrent effect of the penalty imposed;

(10) attempts by the licensee to correct or stop the violation;

(11) any mitigating or aggravating circumstances; and

(12) the extent to which system dynamics in the practice setting contributed to the problem.

(b) Each specific act or instance of conduct may be treated as a

separate violation.

(c) Unless otherwise specified, fines shall be payable in full by cashier's check or money order not later than the 45th day following the entry of an Order.

(d) The payment of a fine shall be in addition to the full payment of all applicable fees and satisfaction of all other applicable requirements of the NPA and the Board's rules.

Repeal and New chapter adopted 6/98 to become effective 09/01/98

21333.098

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

§217.12. Unprofessional Conduct.

The unprofessional conduct rules are intended to protect clients and the public from incompetent, unethical, or illegal conduct of licensees. The purpose of these rules is to identify unprofessional or dishonorable behaviors of the registered professional nurse (RN) which the board believes are likely to deceive, defraud or injure clients or the public. These behaviors include but are not limited to:

(1) failing to know and conform to the Texas Nursing Practice Act and the board's rules and regulations as well as all federal, state, or local laws, rules or regulations affecting the RN's current area of nursing practice;

(2) failing to assess and evaluate a client's status or failing to institute nursing interventions which might be required to stabilize a client's condition or prevent complications;

(3) failing to administer medications or treatments or both in a responsible manner;

(4) failing to accurately and completely report and document:

(A) the client's status including signs, symptoms and responses;

(B) nursing care rendered;

(C) physician, dentist or podiatrist orders;

(D) administration of medications, and treatments; and

(E) client response(s);

(F) contacts with other health care team members concerning significant events regarding client's status.

(5) failing to implement measures to promote a safe environment for clients and others (e.g.s. bed rails up, universal precautions);

(6) disclosing confidential information or knowledge concerning the client except where required or allowed by law;

(7) failing to provide client education and counseling based on client health care needs;

(8) failing to ensure the verification the current Texas licensure and credentials of personnel for whom he/she is administratively responsible, when acting in the role of nurse administrator;

(9) assigning nursing care in a manner that fails to take client safety into consideration or assigning nursing care functions to others who lack the educational preparation, experience, knowledge or physical and emotional ability to perform these functions;

(10) delegating nursing tasks not in compliance with §218.3 relating to general criteria for delegation and §218.4 relating to supervision;

(11) failing to supervise the delivery of nursing care for which the RN is administratively or professionally responsible;

(12) accepting an assignment when one's physical or emotional condition prevents the safe and effective delivery of care or accepting an assignment that does not take into consideration patient safety or for which one lacks the educational preparation, experience, knowledge or ability;

(13) failing to obtain instruction or supervision when implementing nursing procedures or practices for which one lacks the educational preparation, ability, knowledge and/or experience;

(14) leaving a nursing assignment without notifying one's appropriate supervisor;

(15) violating professional boundaries of the nurse/client relationship including but not limited to physical, sexual, emotional or financial exploitation of the client or the client's significant other(s);

(16) causing or permitting physical, emotional or verbal abuse or injury or neglect to the client or the public, or failing to report same to the employer, appropriate legal authority and/or licensing board;

(17) failing to report to the board or to a board approved peer assistance program, if applicable, within a reasonable time of the occurrence, any violation or attempted violation of the Nursing Practice Act or duly promulgated rules, regulations or orders;

(18) failing to follow the policy and procedure in place for the wastage of medications at the facility where the RN was employed or working at the time of the incident(s);

(19) misappropriating, in connection with the practice of nursing, anything of value or benefit, including but not limited to, any property, real or personal of the client, employer, or any other person or entity, or failing to take precautions to prevent such misappropriation;

(20) failing to make entries, destroying entries, and/or making false entries in records pertaining to care of clients;

(21) passing, or attempting to pass forged, altered, falsified or unauthorized prescription(s) by electronic, telephonic, written communication or any other means;

(22) providing information which was false, deceptive, or misleading in connection with the practice of professional nursing;

(23) failing to answer specific questions that would have affected the decision to license, employ, certify or otherwise utilize an RN;

(24) offering, giving, soliciting, or receiving or agreeing to receive, directly or indirectly, any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services;

(25) failing to report the unauthorized practice of professional nursing;

(26) failing to repay a guaranteed student loan, as provided in Section 57.491 of the Texas Education Code.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Julie Headrix
542i Balsam Pl #101
Mason, OH 45040

RM

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
**Jim C. Hove* Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3025 MACINTOSH LN
MIDDLETOWN OH 45044

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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