

Background Information and Sample Letter

DISCUSSION INSTRUCTIONS

1. Read the Board Notice Letter. When the Board begins an investigation of a nurse, the nurse will receive a Notice Letter similar to this one, listing the specific allegations against the nurse. As stated, the nurse has 30 days from the date of the letter to file a written response.

This is a facsimile of a real case.

2. You are to assume as follows:

- A. As the case evolves, it becomes clear that there is not an issue of chemical dependency or misappropriation of drugs in this case
- B. This is on a specialty pain management unit, which utilizes many narcotics in the treatment of the day patients
- C. The unit frequently is understaffed and the nurse under investigation gave this information:
 - 1) The physicians would frequently, in the middle of a procedure, order more narcotics than originally requested, causing the nurse to have to quickly procure additional meds. Later, the physicians would fail to write/sign verbal orders for the additional meds.
 - 2) This would cause the nurses to change the narcotic count to reflect the actual meds withdrawn.
 - 3) The failure to waste according to policy was due to the fact that no other nurse was available to witness the wastage.

3. This case eventually focused on two issues:

- A. Documentation; and
- B. Failure to follow the policy for wastage

Discuss these questions with your colleagues online:

1. What sections of the Nursing Practice Act and the Board Rules address documentation?
2. The nurse cannot make more staff magically appear. What could the nurse have done, under the circumstances, to improve her documentation and perhaps avoid being reported to the Board? (NOTE: In the real case upon which this scenario is built, the nurse did testify that she felt that she had allowed herself to get lulled into the “that’s the way we do it” mentality for that unit!)
3. What do you feel is the best way to handle narcotic wastage if another nurse is not readily available?



**Texas Board
of Nursing**

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bon.state.tx.us
Katherine Thomas, MN, RN
Executive Director

November 25, 2008

Certified Mail No. xxxx xxxx xxxx xxxx xxxx
Return Receipt Requested

Jane Doe, RN
Xxxx Main Street
Small Town, Texas xxxxx

Dear Ms. Doe:

Information has been received in this office that you may have violated the Nursing Practice Act of the State of Texas. We are initiating an investigation based on the alleged facts or conduct specified below:

1. On or about September 16, 2005, while employed with Small Town Hospital, Small Town, Texas, you signed out narcotics for patient medical record number Xxxxxxxx, which was in excess dosage and frequency of the physician's order;
2. On or about September 16, 2005, while employed with Small Town Hospital, Small Town, Texas, you made false entries in the Controlled Substances Record in that you changed the number of narcotics on the logs after the narcotic count was completed;
3. On or about September 16, 2005, while employed with Small Town Hospital, Small Town, Texas, you signed out narcotics for patients, but failed to follow the policy and procedure for the wastage of medications, in that you failed to obtain a witness signature.

You are directed to file a written response to the allegations stated above. You may provide any other information showing compliance with the Nursing Practice Act and Rules and Regulations Relating to Professional and/or Vocational Nursing, Licensure and Practice of the Texas Board of Nursing.

You have thirty (30) days from the date of this letter to respond.

You may be represented by an attorney of your choice, at your own expense.

N3645 Transition to Professional Nursing

Please include your current address and telephone number in your response and direct it to the attention of Inez Investigator. Please be aware that Rule 217.7(b) states that: "A nurse/applicant for licensure shall notify the Board in writing within 10 days of a change in address, providing the new address and his or her license number."

Please be aware that information regarding the statutes and rules cited above, the investigatory and discipline process, including 22 Texas Administrative Code section 213 Practice and Procedure, Guidelines for Nurses under Investigation, and the time line utilized by Board staff for investigations can be found on the Board's website, www.bon.state.tx.us.

If you have any questions, please contact me at (512) 305-xxxx.

Sincerely,

Inez Investigator, RN