



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Family Nurse Practitioner	§	AGREED
& Registered Nurse License Number 603165	§	
issued to DALE WAYNE BROCK	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of DALE WAYNE BROCK, Family Nurse Practitioner and Registered Nurse License Number 603165, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 21, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from West Texas A&M University, Canyon, Texas, on March 7, 1994, and received a Master's Degree in Nursing from the Family Nurse Practitioner (FNP) Program at West Texas A&M University, Canyon, Texas, on July 28, 1999. Respondent was licensed to practice professional nursing in the State of Texas on April 28, 1994, became Board recognized as a FNP in the State of Texas on November 12, 1999; and became Board recognized with Prescriptive Authority as a FNP in the State of Texas on September 11, 2000.

5. Respondent's complete nursing employment history is unknown
6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Family Nurse Practitioner (FNP) with Quality Care Plus, Liberty, Texas.
7. On or about April 28, 2009, while employed as a Family Nurse Practitioner with Quality Care Plus, Liberty, Texas, Respondent practiced beyond his scope as a FNP in that he prescribed medications for a patient for the treatment of Bipolar Disorder without any education in mental health. Furthermore, this was a family member of Respondent. Documentation provided indicates that Respondent assessed the patient on April 28, 2009, and contacted his supervising physician for authorization for a trial of Lunesta and refills of medications for Attention Deficit Hyperactivity Disorder (ADHD). Respondent's conduct exposed the patient unnecessarily to a risk of harm from improper interventions by Respondent, whose training and education may have been inadequate to provide proper care. In addition, Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the patient and the needs of the nurse.
8. In response to the incident in Finding of fact Number Seven (7), Respondent states that in February 2009, the patient's mother made the decision to change doctors. The first available appointment with the new psychiatrist would leave the patient without sufficient medication to sustain him until that appointment. "Due to the potential and probable adverse consequences to the patient, because of abrupt discontinuance of the medications, Dr. Grigorey Rodonaia, Respondent's supervising physician, was consulted and the determination was made that the medications should be administered." Respondent adds that he is now aware of the Board's general disfavor with an advanced practice nurse treating family members and any others with whom there is a close personal relationship.
9. On or about April 10, 2010 through March 2011, while employed as a FNP with Quality Care Plus, Liberty, Texas, Respondent failed to properly document his credentials as a FNP on physical examination forms for multiple patients. Respondent's conduct resulted in inaccurate medical records and was likely to deceive patient and the public regarding the credentials of the health care provider.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states that on the physical examinations in question, his handwriting can be unintelligible and may contain omissions. Since Respondent received the letter from the Board, he states that he has been very careful to print out the letters to ensure that it is clear that he is a nurse. Respondent states that he has also procured a signature stamp for use on preprinted forms presented to him by his patients to prevent any conceivable confusion regarding his designation in the future.

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),(1)(D),(1)(J),(1)(T) &(4) and 217.12(1)(A),(3)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Family Nurse Practitioner and Registered Nurse License Number 603165, heretofore issued to DALE WAYNE BROCK, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, and 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by 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.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order

to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/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.

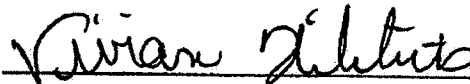
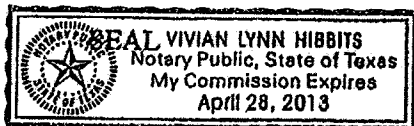
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

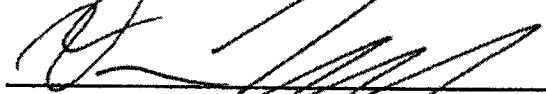
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of June, 2012.

DALE WAYNE BROCK, Respondent

Sworn to and subscribed before me this 28 day of June, 2012Notary Public in and for the State of Texas

Approved as to form and substance.



Dan Lype, Attorney for Respondent

Signed this 29 day of June, 2012.

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 28th day of June, 2012, by , Family Nurse Practitioner and Registered Nurse License Number 603165, and said Order is final.



Effective this 2nd day of July, 2012.

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

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