

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 441235  
ISSUED TO SCOTT ARTHUR OPTENBERG

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



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 P. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Scott Arthur Optenberg  
8248 Point Drive  
Kelseyville, California 95451-9069

During open meeting held in Austin, Texas, on December 13, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 the 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

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

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 for rehearing [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 441235, previously issued to SCOTT ARTHUR OPTENBERG, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER 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.

Entered this 13<sup>th</sup> day of December, 2011.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD


Attachment: Formal Charge filed October 13, 2011.

Re: Permanent Certificate Number 441235  
Issued to SCOTT ARTHUR OPTENBERG  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of December, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Scott Arthur Optenberg  
8248 Point Drive  
Kelseyville, California 95451-9069

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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 441235, Issued to §  
SCOTT ARTHUR OPTENBERG, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SCOTT ARTHUR OPTENBERG, is a Registered Nurse holding license number 441235, which is in delinquent 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 October 27, 2008, while employed with Kindred Healthcare, San Antonio, Texas, Respondent failed to document an order to increase the dosage of Vancomycin for Patient Medical Record Number DN0002086767. Additionally, Respondent failed to send the aforementioned order to the pharmacy so the pharmacy could provide the correct dosage for the patient. Consequently, the patient received the incorrect dosage of Vancomycin. Respondent's conduct may have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

#### CHARGE II.

On or about October 27, 2008, through October 28, 2008, while employed with Kindred Healthcare, San Antonio, Texas, Respondent administered a decreased, incorrect dosage of potassium to Patient Medical Record Number 00016273, whose potassium was critically low. Respondent's conduct was likely to injure the patient in that critically low levels of potassium put the patient at risk for cardiac complications, including myocardial infarction.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

### CHARGE III.

On or about October 27, 2008, through October 28, 2008, while employed with Kindred Healthcare, San Antonio, Texas, Respondent falsely documented that an order for Darvocet for Patient Medical Record Number DN00016273 was faxed to the pharmacy even though the pharmacy did not receive the order until the next day. Consequently the patient did not receive the first dose of Darvocet until the next day. . Respondent's conduct was likely to injure the patient in that the patient's pain was left untreated during that time.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4),(6)(A)&(6)(H).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

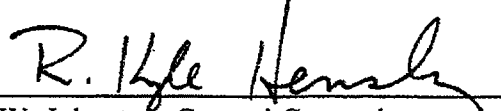
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Lying and Falsification, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 13<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



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