

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered §  
License Number 721160 § AGREED  
issued to CLIFTON RICHARD POORE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CLIFTON RICHARD POORE, Registered License Number 721160, 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 May 27, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 an Associate Degree in Nursing from Excelsior College, Albany, New York on July 21, 1995. Respondent was licensed to practice professional nursing in the State of Texas on October 4, 2005.
5. Respondent's nursing employment history includes:
 

7/1995 - 3/1997	Critical Care Staff Nurse	Columbia HCA - Eastern Idaho Region Idaho Falls, Idaho
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Respondent's nursing employment history continued:

4/1997 - 1/2001	Charge Nurse/ICU/CCU	Wright-Patterson Air Force Med. Center Dayton, Ohio
1/2001 - 1/2003	Charge Nurse/ER	Wilford Hall Medical Center Lackland Air Force Base, Texas
4/2002 - 4/2005	Agency Nurse/CCU	Nursefinders Healthcare Staffing Agency San Antonio, Texas
10/2003 - 4/2005	Health Promotion Mgr.	Wilford Hall Medical Center Lackland Air Force Base, Texas
5/2005 - 5/2009	Charge Nurse/ICU	Medical City Dallas Hospital Dallas, Texas
6/2009 - Present	Unknown	

6. On July 17, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the July 17, 2008, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Charge Nurse/ICU with Medical City Dallas Hospital, Dallas, Texas, and had been in this position for three (3) years and nine (9) months.
8. On or about February 1, 2009 through March 13, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent withdrew Propofol (sedation for surgical procedures) and Precedex (IV sedative) for patients, but failed to accurately and completely document the administration in the patients' medical records, as follows:

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
2/1/09@ 0039	CL #216167	3 Propofol 1000 mg/100 ml vial	Propofol 1000 mg/100 ml vial IV titrate	0101 0353 - removed 3 hrs early 0522 - removed 6 hrs early	0021	None
2/1/09@ 1946	""	4 Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	""	2000 - removed 1.5 hrs early 2241 - removed 3 hrs early 0101 - removed 5 hrs early 4 <sup>th</sup> dose not documented	0101	None
2/2/09@ 0347	""	2 Propofol 1000 mg/100 ml vial	""	0353 0522 - removed 1.5 hrs early	0400	None

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
2/7/09@ 1959	LC #268267	1 Precedex 200 mcg/50 ml bag	Dexmedetomidine (Precedex 200 mcg/50 ml bag) 200 mcg/50 ml bag	0016 - 2/8/09 - removed over 4 hrs early	2000	None
2/8/09@ 0552	""	1 Precedex 200 mcg/50 ml bag	""	0553	Not documented	None
2/8/09@ 1952	""	2 Precedex 200 mcg/50 ml bag	""	2000 0156 - 2/9/09 - removed over 4 hrs early	2000	None
2/9/09@0 353	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
2/9/09@ 2009	""	1 Precedex 200 mcg/50 ml bag	""	0024 - 2/10/09 - 50 ml removed over 4 hrs early 0345 - 2/10/09 - 50 ml - this was not removed	Not documented	None
2/10/09@ 1907  2/11/09@ 0051	""	2 Precedex 200 mcg/50 ml bag  Cancelled Precedex 200 mcg/50 ml bag	""	1 dose at 2213 - removed 3 hours early	Not documented	None
2/28/09@ 2022	PK #133436	1 Precedex 200 mcg/50 ml bag	Precedex 200 mcg/50 ml bag 200 mcg/50 ml IV drip	Not documented	Not documented	None
2/28/09@ 2337	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/1/09@ 2041	""	2 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/2/09@ 0036	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/2/09@ 1921	""	2 Precedex 200 mcg/50 ml bag	""	2200 - removed 2 hrs early 0151 - removed almost 5 hrs early		
3/3/09@ 0517	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	0416	None
3/3/09@ 2043	""	3 Precedex 200 mcg/50 ml bag	""	2049 2228 - removed over 2 hrs early	4/3/09 @ 0036	None
3/10/09@ 1945	HD #372814	1 Precedex 200 mcg/50 ml bag	Dexmedetomidine (Precedex 200 mcg/50 ml bag)	2320 - withdrew almost 4 hrs early	Not documented	None
3/11/09@ 2011	""	2 Precedex 200 mcg/50 ml bag	""	0002 - withdrew almost 4 hrs early 2 <sup>nd</sup> dose not documented	2000	None

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
3/12/09@ 2010	""	2 Precedex 200 mcg/50 ml bag	""	2202 - withdrew 2 hrs early 0253 - withdrew 7 hrs early	0050 - 3/13/09	None
3/13/09@ 0302	""	1 Precedex 200 mcg/50 ml bag	""	0549 - withdrew 3.5 hrs early	0437	None
3/13/09@ 2044	""	1 Precedex 200 mcg/50 ml bag	""	0013 - withdrew almost 4 hrs early	1920, 2200 - "Patient sedated with Precedex"	None
3/13/09@ 0209	""	2 Precedex 200 mcg/50 ml bag	""	0402 - withdrew 2 hrs early 2 <sup>nd</sup> dose not documented	0034, 0400, 0438 & 0600 "Patient sedated with Precedex"	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

9. On or about February 1, 2009 through March 13, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent withdrew Propofol (sedation for surgical procedures) and Precedex (IV sedative) for patients in excess of physician's orders, as follows:

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
2/1/09@ 0039	CL #216167	3 Propofol 1000 mg/100 ml vial	Propofol 1000 mg/100 ml vial IV titrate	0101 0353 - removed 3 hrs early 0522 - removed 6 hrs early	0021	None
2/1/09@ 1946	""	4 Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	""	2000 - removed 1.5 hrs early 2241 - removed 3 hrs early 0101 - removed 5 hrs early 4 <sup>th</sup> dose not documented	0101	None
2/2/09@ 0347	""	2 Propofol 1000 mg/100 ml vial	""	0353 0522 - removed 1.5 hrs early	0400	None
2/7/09@ 1959	LC #268267	1 Precedex 200 mcg/50 ml bag	Dexmedetomidine (Precedex 200 mcg/50 ml bag) 200 mcg/50 ml bag	0016 - 2/8/09 - removed over 4 hrs early	2000	None
2/8/09@ 1952	""	2 Precedex 200 mcg/50 ml bag	""	2000 0156 - 2/9/09 - removed over 4 hrs early	2000	None
2/9/09@ 2009	""	1 Precedex 200 mcg/50 ml bag	""	0024 - 2/10/09 - 50 ml removed over 4 hrs early 0345 - 2/10/09 - 50 ml - this was not removed	Not documented	None
3/2/09@ 1921	""	2 Precedex 200 mcg/50 ml bag	""	2200 - removed 2 hrs early 0151 - removed almost 5 hrs early		

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
3/3/09@ 2043	****	3 Precedex 200 mcg/50 ml bag	****	2049 2228 - removed over 2 hrs early	4/3/09 @ 0036	None
3/10/09@ 1945	HD #372814	1 Precedex 200 mcg/50 ml bag	Dexmedetomidine (Precedex 200 mcg/50 ml bag)	2320 - withdrew almost 4 hrs early	Not documented	None
3/11/09@ 2011	****	2 Precedex 200 mcg/50 ml bag	****	0002 - withdrew almost 4 hrs early 2 <sup>nd</sup> dose not documented	2000	None
3/12/09@ 2010	****	2 Precedex 200 mcg/50 ml bag	****	2202 - withdrew 2 hrs early 0253 - withdrew 7 hrs early	0050 - 3/13/09	None
3/13/09@ 0302	****	1 Precedex 200 mcg/50 ml bag	****	0549 - withdrew 3.5 hrs early	0437	None
3/13/09@ 2044	****	1 Precedex 200 mcg/50 ml bag	****	0013 - withdrew almost 4 hrs early	1920, 2200 - "Patient sedated with Precedex"	None
3/13/09@ 0209	****	2 Precedex 200 mcg/50 ml bag	****	0402 - withdrew 2 hrs early 2 <sup>nd</sup> dose not documented	0034, 0400, 0438 & 0600 "Patient sedated with Precedex"	None

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

10. On or about February 1, 2009 through March 13, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent withdrew Propofol (sedation for surgical procedures) and Precedex (IV sedative) for patients and failed to properly waste unused portions of the medications, as follows:

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
2/1/09@ 0039	CL #216167	3 Propofol 1000 mg/100 ml vial	Propofol 1000 mg/100 ml vial IV titrate	0101 0353 - removed 3 hrs early 0522 - removed 6 hrs early	0021	None
2/1/09@ 1946	****	4 Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	****	2000 - removed 1.5 hrs early 2241 - removed 3 hrs early 0101 - removed 5 hrs early 4 <sup>th</sup> dose not documented	0101	None
2/2/09@ 0347	****	2 Propofol 1000 mg/100 ml vial	****	0353 0522 - removed 1.5 hrs early	0400	None

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
2/7/09@ 1959	LC #268267	1 Precedex 200 mcg/50 ml bag	Dexemedetomidine (Precedex 200 mcg/50 ml bag) 200 mcg/50 ml bag	0016 - 2/8/09 - removed over 4 hrs early	2000	None
2/8/09@ 0552	""	1 Precedex 200 mcg/50 ml bag	""	0553	Not documented	None
2/8/09@ 1952	""	2 Precedex 200 mcg/50 ml bag	""	2000 0156 - 2/9/09 - removed over 4 hrs early	2000	None
2/9/09@0 353	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
2/9/09@ 2009	""	1 Precedex 200 mcg/50 ml bag	""	0024 - 2/10/09 - 50 ml removed over 4 hrs early 0345 - 2/10/09 - 50 ml - this was not removed	Not documented	None
2/10/09@ 1907	""	2 Precedex 200 mcg/50 ml bag	""	1 dose at 2213 - removed 3 hours early	Not documented	None
2/11/09@ 0051	""	Cancelled Precedex 200 mcg/50 ml bag	""			
2/28/09@ 2022	PK #133436	1 Precedex 200 mcg/50 ml bag	Precedex 200 mcg/50 ml bag 200 mcg/50 ml IV drip	Not documented	Not documented	None
2/28/09@ 2337	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/1/09@ 2041	""	2 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/2/09@ 0036	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	Not documented	None
3/2/09@ 1921	""	2 Precedex 200 mcg/50 ml bag	""	2200 - removed 2 hrs early 0151 - removed almost 5 hrs early		
3/3/09@ 0517	""	1 Precedex 200 mcg/50 ml bag	""	Not documented	0416	None
3/3/09@ 2043	""	3 Precedex 200 mcg/50 ml bag	""	2049 2228 - removed over 2 hrs early	4/3/09 @ 0036	None
3/10/09@ 1945	HD #372814	1 Precedex 200 mcg/50 ml bag	Dexmedetomidine (Precedex 200 mcg/50 ml bag)	2320 - withdrew almost 4 hrs early	Not documented	None
3/11/09@ 2011	""	2 Precedex 200 mcg/50 ml bag	""	0002 - withdrew almost 4 hrs early 2 <sup>nd</sup> dose not documented	2000	None

Date	Patient	Pyxis Record	Physician's order	MAR	Nurses Notes	Wastage
3/12/09@ 2010	****	2 Precedex 200 mcg/50 ml bag	****	2202 - withdrew 2 hrs early 0253 - withdrew 7 hrs early	0050 - 3/13/09	None
3/13/09@ 0302	****	1 Precedex 200 mcg/50 ml bag	****	0549 - withdrew 3.5 hrs early	0437	None
3/13/09@ 2044	****	1 Precedex 200 mcg/50 ml bag	****	0013 - withdrew almost 4 hrs early	1920, 2200 - "Patient sedated with Precedex"	None
3/13/09@ 0209	****	2 Precedex 200 mcg/50 ml bag	****	0402 - withdrew 2 hrs early 2 <sup>nd</sup> dose not documented	0034, 0400, 0438 & 0600 "Patient sedated with Precedex"	None

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

11. On or about February 1, 2009 through March 13, 2009, while employed with Medical City Dallas Hospital, Dallas, Texas, Respondent misappropriated or failed to take precautions to misappropriate Propofol and Precedex as evidenced by his the following withdrawals of Propofol and Precedex:

Date/Time	Patient	Pyxis Record	Note
2/4/09@ 0256	OH 257682	Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	Withdrew in excess of physician's order
2/7/09@ 1953	CN 825674	Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	Physician's order was discontinued in 12/08
2/9/09@0148	CN 825674	Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	Physician's order was discontinued in 12/08
2/11/09@0527	CN 825674	Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	Physician's order was discontinued in 12/08
2/20/09@ 0204	CN 825674	Propofol 1000 mg/100 ml vial 1000 mg/100 ml vial	Physician's order was discontinued in 12/08
2/19/09@1959	GT 103783	1 Precedex 200 mcg/50 ml bag	Physician's Order discontinued on 2/18/09
2/22/09@2002	VH 331072	1 Precedex 200 mcg/50 ml bag	No physician's order
2/23/09@ 2129	EN 292600	1 Precedex 200 mcg/50 ml bag	Withdrew in excess of physician's order
2/23/09@ 0353	EN 292600	1 Precedex 200 mcg/50 ml bag	Withdrew in excess of physician's order

Respondent's conduct defrauded the facility and the patients thereof of the cost of the medications.

12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent asserts that he knows the hospital policies regarding storage and administration of medications and has recently completed a Medication Administration Course endorsed by the Board due to the Board order issued to him on July 17, 2008. Respondent states that since entering into this Board Order, his relationship with Medical City Dallas Hospital had been strained and states that he was terminated as the result of his responses to what he perceived was unfair treatment. Additionally, Respondent states that the pharmacy did not maintain accurate par levels of Propofol and Precedex because they are considered floor stock since they are not controlled substances. Consequently, Respondent states that he was permitted to remove more doses than were necessary for immediate administration from the pyxis and store them securely, under lock and key, in the box provided in the patient's room. Respondent attributes the cancellation of pyxis transactions to the fact that he would start his shift by assessing his patient and then gathering medication for which he anticipated need and during this process, he would discovered the order for the medication had been held or cancelled. Respondent contends that he would have no other option but to cancel the pyxis transaction.
13. On April 26, 2011, Respondent underwent a forensic evaluation by John Lehman, Ph.D. Dr. Lehman reports that Respondent does not deny withdrawing medications in excess of physician's orders and also admits he cannot account for all of the medications he withdrew as demonstrated by several instances when he did not document giving all that he removed. Dr. Lehman opines there is nothing to indicate a chemical dependency and concludes that Respondent does not appear to have a 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 violations of Section 301.452(b)(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A), (B) & (C). and 22 TEX. ADMIN. CODE §217.12(1)(A), (C) & (B), (4), (6)(G) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 721160, heretofore issued to CLIFTON RICHARD POORE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 721160, previously issued to CLIFTON



RICHARD POORE, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. if semester length course required. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, 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. *Information regarding Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(6) RESPONDENT SHALL pay a monetary fine in the amount of Five Hundred dollars (\$500). RESPONDENT SHALL pay this fine within 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law

Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(8) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(9) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises.

The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication,

dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation/probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

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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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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.

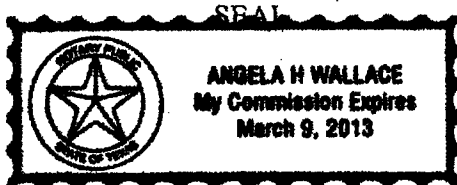
Signed this 23 day of June, 2011.

Clifton R. Poore  
CLIFTON RICHARD POORE, Respondent

Sworn to and subscribed before me this 23<sup>rd</sup> day of JUNE, 2011.

Angela H. Wallace

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Terri Sabella  
Terri Sabella, Attorney for Respondent

Signed this 26<sup>th</sup> day of June, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of June, 2011, by CLIFTON RICHARD POORE, Registered Nurse Number 721160, and said Order is final.

Effective this 21st day of July, 2011.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §     AGREED  
License Number 721160                       §  
issued to CLIFTON RICHARD POORE       §     ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that CLIFTON RICHARD POORE, hereinafter referred to as Respondent, Registered Nurse License Number 721160, may have violated Section 301.452(b)(10) & (13), Texas Occupations Code.

An informal conference was held on May 6, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Terri Sabella, RN, JD, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Veronica Franco, Investigator; John DeLaRosa, Investigator; Dennis Riggins, Investigator; and Cynthia A. Smith, Supervising Investigator.

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.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Regents College, Albany, New York, on July 21, 1995. Respondent was licensed to practice professional nursing in the State of Texas on October 4, 2005.

5. Respondent's professional nursing employment history includes:

7/95 - 3/97	Critical Care Staff Nurse	Columbia HCA - Eastern Idaho Region Idaho Falls, Idaho
4/97 - 1/01	Charge Nurse/ICU/CCU	Wright-Patterson Air Force Medical Center Dayton, Ohio
1/01 - 10/03	Charge Nurse/ER	Wilford Hall Medical Center Lackland Air Force Base, Texas
4/02 - 4/05	Agency Nurse/CCU	Nursefinders Healthcare Staffing Agency San Antonio, Texas
10/03 - 4/05	Health Promotion Manager	Wilford Hall Medical Center Lackland Air Force Base, Texas
5/05 - present	Charge Nurse/ICU	Medical City Dallas Hospital Dallas, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Neurovascular Intensive Care Unit (NVICU) with Medical City Dallas Hospital, Dallas, Texas, and had been in this position for one (1) year and six (6) months.
7. On or about November 10, 2006, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to take Patient Medical Record Number H001026796 for a scheduled computer tomography (CT), as ordered by the physician. Furthermore, Respondent wrote an unauthorized physician's order to cancel the CT. Respondent's conduct was deceiving to subsequent caregivers and deprived the ordering physician of essential information on which to base ongoing medical care.
8. In response to Finding of Fact Number Seven (7), Respondent states when that the patient's condition was rapidly deteriorating and was too unstable to travel to undergo the CT. Respondent discussed this with the pulmonologist caring for this patient, who agreed the patient was too unstable to travel but informed Respondent he needed to notify the ordering physician to cancel the order. Respondent attempts to contact the ordering physician were unsuccessful. Respondent states that he failed to document both the conversation with the pulmonologist and his unsuccessful attempts to contact the ordering physician. The ordering physician became angry when he learned the CT had not been done. Respondent offered to take the patient to undergo the CT immediately, but the ordering physician declined his offer, stating it was too late. The ordering physician left without writing an order to cancel the CT; therefore, Respondent wrote the order.

9. On or about May 30, 2007, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to ensure Patient Medical Record Number H001049537 received the correct medication from the pharmacy resulting in the patient receiving Cerebex 1000 mg instead of receiving Kepra 1000 mg, as ordered by the physician. Respondent's conduct placed the patient at risk of experiencing adverse reactions to the medication including ataxia, brain edema, and intracranial hypertension.
10. In response to Finding of Fact Number Nine (9), Respondent states that the pharmacy inadvertently added the medication Cerebyx to the patient's Medication Administration Record (MAR), which was not identified because Respondent failed to verify the medication by cross checking the MAR with the physicians' orders.
11. On or about June 27, 2007, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to notify the physician of a critically high potassium level of "7.4" at 2345, and "7.8" at 0430 on June 28, 2007, for Patient Medical Record Number H000082994, who was having episodes of Ventricular Tachycardia. Subsequently, the next morning, the patient's potassium level was higher, the patient coded several times and the patient expired later that day. Respondent's conduct deprived the physician of essential information in order to provide timely medical intervention required to stabilize the patient.
12. In response to Finding of Fact Number Eleven (11), Respondent states that when he received the lab results, he notified the Intensivist, who was on duty at that time, as well as the emergency room physician who participated in the codes instead of the attending physician. Respondent failed to document that he notified these physicians, or to complete the mandatory Critical Value Communication/Documentation Tool verifying notification. Respondent used nursing judgment by weighing the information received in report, prior physician communication and current physician presence to base his decision to not contact the attending physician. Furthermore, Respondent felt he should continue bedside care of the patient rather than stop to make a call regarding a lab value that was not unexpected, given the patient's condition.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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, 22 TEX. ADMIN. CODE §217.11(1)(B),(C),(D)&(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 721160, heretofore issued to CLIFTON RICHARD POORE, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to CLIFTON RICHARD POORE, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

(2) 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) contact 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.state.tx.us/disciplinary\\_action](http://www.bon.state.tx.us/disciplinary_action).

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour

clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.state.tx.us/disciplinary.action>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.



RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.state.tx.us/disciplinary.action>

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior

to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, vocational nursing in the State of Texas.

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**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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order becomes effective, and 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of May, 2008.  
Clifton R. Poore  
CLIFTON RICHARD POORE, Respondent

Sworn to and subscribed before me this 29<sup>th</sup> day of May, 2008.

SEAL



Mari E. Hazen  
Notary Public in and for the State of Texas


Approved as to form and substance.

Terri Sabella  
Terri Sabella, RN, JD, Attorney for Respondent

Signed this 29 day of May, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of May, 2008, by CLIFTON RICHARD POORE, Registered Nurse License Number 721160, and said Order is final.

Effective this 17th day of July, 2008.

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