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5. Respondent's professional nursing employment history includes:

12/1991 - 2000	Unknown	
2001 - 2005	House Supervisor	Park Place Medical Center/Southwest Texas Port Arthur, Texas
2005 - 2007	Director	Renaissance Hospital Groves, Texas
2007 - 2008	Case Manager	Anahuac Health Care Center Anahuac, Texas
12/2007 - 3/2008	ER	Brazosport Memorial Hospital Lake Jackson, Texas
4/2008 - 9/2008	ER	Bayshore Medical Center Pasadena, Texas
10/2008 - Present	Unknown	

6. On or about June 19, 2006, Respondent's license to practice professional nursing was issued a sanction of Remedial Education by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Order dated June 19, 2006 is attached and incorporated by reference as part of this Order.
7. On or about June 13, 1995, Respondent plead guilty to the offense of "Possession of Cocaine," a 3rd Degree Felony (committed on October 13, 1994) in the 17th Judicial Circuit in and for Broward County, Florida, under cause number 94-17440CF. Adjudication of guilt was withheld and Respondent was placed on state probation for a period of thirty (30) months. Additionally, on or about June 13, 1995, Respondent was convicted of "Possession of Drug Paraphernalia," a Misdemeanor (committed on October 13, 1994) in the 17th Judicial Circuit in and for Broward County, Florida, under cause number 94-17440CF. Respondent was placed on state probation for a period of one (1) year and ordered to pay a fine.
8. On or about December 3, 1998, Respondent plead nolo contendere to the offense of "Driving Under Influence of Liquor-Driving While Intoxicated," a Misdemeanor (committed on September 13, 1997) by the County Court at Law No. 2 of Jefferson County, Texas, under cause number 201442. Respondent was sentenced to one hundred eighty (180) days confinement in the Jefferson County Jail. The imposition of confinement was suspended and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.

9. On or about November 13, 2008, Respondent plead guilty to the offense of "Evading Arrest With Motor Vehicle," a State Jail Felony pursuant to Tex. Penal Code §12.44(a) (committed on August 24, 2008) in the 176<sup>th</sup> District Court of Harris County, Texas, under cause number 1180897. Respondent was sentenced to one hundred eighty (180) days confinement in the Harris County Jail and ordered to pay court costs.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
11. Formal Charges were filed on July 20, 2012. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
12. Formal Charges were mailed to Respondent on July 23, 2012.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### 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 violation(s) of 22 TEX. ADMIN. CODE §217.13 (eff. 3/1/1998) and 22 TEX. ADMIN. CODE §217.12(13) (eff. 9/24/2004).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT., ART 4525(b)(9) (eff. 9/1/1997) and TEX. OCC. CODE §301.452(b)(10) (eff. 9/24/2004), to take disciplinary action against Registered Nurse License Number 635488, heretofore issued to ROBERT CICCIO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

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## ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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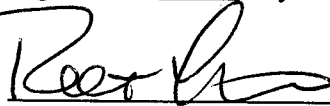
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### RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 3<sup>rd</sup> day of October, 2012



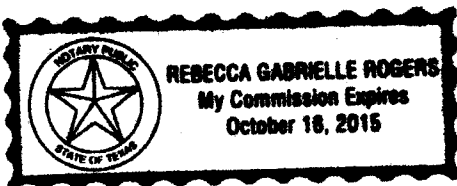
ROBERT CICCIO, RESPONDENT

Sworn to and subscribed before me this 3<sup>rd</sup> day of October, 2012.

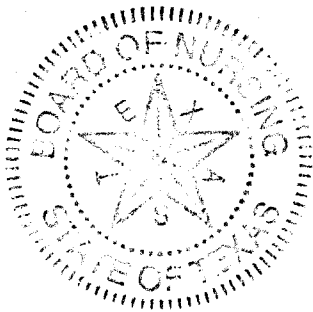
SEAL



Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 3rd day of October, 2012, by ROBERT CICCIO, Registered Nurse License Number 635488, and said Order is final.



Entered and effective this 15th day of October, 2012.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse	§	AGREED
License Number 635488	§	
issued to ROBERT CICCIO	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ROBERT CICCIO, Registered Nurse License Number 635488, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13). Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 18, 2006, by Katherine A. Thomas, MN, RN, 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.
2. Respondent waived representation by counsel, informal conference, 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 Daytona Beach Community College, Daytona Beach, Florida, on December 1, 1991. Respondent was licensed to practice professional nursing in the State of Texas on November 14, 1996.

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5. Respondent's professional nursing employment history includes:

12/1991 - 10/1996	Unknown	
11/1996 - 12/1998	Administrator	Advantage Home Health Port Arthur, Texas
01/1999 - 01/2000	Owner/Administrator	Jacqueline's Place Vidor, Texas
02/2000 - 09/2000	Unknown	
10/2000 - 10/2001	Nursing Supervisor	Calder Woods Beaumont, Texas
10/2001 - 02/2002	Director of Operations	Promedical Supply Vidor, Texas
02/2002 - Present	Nursing Supervisor	Park Place Medical Center Port Arthur, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Nursing Supervisor with Park Place Medical Center, Port Arthur, Texas, and had been in this position for two (2) years and seven (7) months.

7. On or about September 24, 2004, through September 25, 2004, while employed as a Nursing Supervisor with Park Place Medical Center, Port Arthur, Texas, Respondent failed to correctly prepare an intravenous infusion of potassium chloride for administration to Patient Medical Record Number 000149606, as ordered by the physician. Consequently, the seventeen-day-old male infant received an over-concentrated intravenous solution of potassium and developed a critically elevated potassium level. Shortly thereafter, the infant required intubation due to complications of the infusion. Respondent's conduct exposed the patient unnecessarily to a risk of experiencing weakness, paralysis, ventricular fibrillation and/or cardiac arrest.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent stated that the solution he prepared in the pharmacy was of the correct concentration and was mixed appropriately. Respondent also stated that during the facility's internal investigation, he demonstrated his ability to correctly prepare intravenous solutions. Subsequent to this event, Park Place Medical Center, Port Arthur, Texas, has revised its policy to ensure that a pharmacist would be available to prepare all intravenous solutions needed after hours.

### 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 violation of Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(3).
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 635488, heretofore issued to ROBERT CICCIO, 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 Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 Professional 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 the State of Texas.

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 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 deliver the wallet-sized license issued to ROBERT CICCIO to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31<sup>st</sup> day of May, 2006.  
Robert Ciccio  
ROBERT CICCIO, Respondent

Sworn to and subscribed before me this 31<sup>st</sup> day of May, 2006.


SEAL



Dawn E. Lambert  
Notary Public in and for the State of Texas

**WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 31st day of May, 2006, by ROBERT CICCIO, Registered Nurse License Number 635488, and said Order is final.**

Effective this 19th day of June, 2006.

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