

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 620750 § AGREED
issued to PHILIP JAMES ALVIANO § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHILIP JAMES ALVIANO, Registered Nurse License Number 620750, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8),(9),(10),(12)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on August 6, 2008, 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 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 a Diploma in Nursing from Mohawk College in Canada on May 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 1995.
5. Respondent's professional nursing employment history includes:

09/88-03/89	RN	St. Joseph Hospital Hamilton, Ontario, Canada
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Respondent's professional nursing employment history continued:

03/89-03/93	RN	Hamilton General Hospital Hamilton, Ontario, Canada
04/93	Unknown	
05/93-07/93	RN	Queensway General Hospital Etobecoke, Ontario, Canada
07/93-11/93	RN	Cape Fear Valley Medical Center Fayetteville, North Carolina
11/93-05/95	RN	Lafayette Medical Center Lafayette, Louisiana
05/95-11/98	RN	Seton Medical Center Austin, Texas
04/99-01/01	RN	Dialysis Clinic, Inc. New Orleans, Louisiana
01/01-11/04	RN	Advantage Nursing Metairie, Louisiana
11/04-11/05	RN	Touro Infirmary Hospital New Orleans, Louisiana
11/05-02/06	RN	Nightingale Travel Nurses on assignment at Conroe Regional Medical Center Conroe, Texas
02/06-10/06	RN	Cleveland Regional Medical Center Cleveland, Texas
10/06-03/08	RN	Memorial Hermann Katy Hospital Katy, Texas
04/08-06/08	RN	Maxim Staffing Solutions Houston, Texas

Respondent's professional nursing employment history continued:

07/08 RN Nightingale Travel Nurses on assignment at
Brazosport Memorial Hospital
Brazosport, Texas

08/08-Present Unknown

6. On November 17, 2000, the Board of Nurse Examiners for the State of Texas accepted the Voluntary Surrender of the Respondent's license to practice professional nursing in the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order, dated November 17, 2000, is attached and incorporated, by reference, as a part of this Order.
7. On or about January 30, 2001, the Louisiana State Board of Nursing, Metairie, Louisiana, denied Respondent's licensure renewal and suspended his license to practice professional nursing in the State of Louisiana due to the voluntary surrender of his license to practice professional nursing in the State of Texas.
8. On or about May 14, 2001, Respondent's license to practice professional nursing in the State of North Carolina was Summarily Suspended by the North Carolina Board of Nursing, Raleigh, North Carolina, due to disciplinary action taken by the State Boards of Nursing of Texas and Louisiana on the Respondent's licenses.
9. On May 14, 2002, Respondent's license to practice professional nursing in the State of Texas was reinstated by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Reinstatement Agreed Order, dated May 14, 2002, is attached and incorporated, by reference, as a part of this Order.
10. On or about December 13, 2002, Respondent's license to practice professional nursing in the State of Louisiana was Reinstated with Stipulations by the Louisiana State Board of Nursing, Metairie, Louisiana. A copy of the Findings of Fact and Consent Order, dated, December 13, 2002, is attached and incorporated, by reference, as a part of this Order.
11. On or about June 12, 2002, Respondent submitted a reactivation form to the Texas Board of Nurse Examiners, in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the question:

"Have you ever had disciplinary action taken against you by a licensing/certifying authority in any state/province/territory or country?"

On or about January 30, 2001, the Louisiana State Board of Nursing, Metairie, Louisiana, denied Respondent's licensure renewal and suspended his license to practice professional nursing in the State of Louisiana. On or about May 14, 2001, Respondent's license to

practice professional nursing in the State of North Carolina was Summarily Suspended by the North Carolina Board of Nursing, Raleigh, North Carolina.

11. On or about September 13, 2005, Respondent submitted a Delinquent Renewal Application to the Texas Board of Nurse Examiners, in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the question:

"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted voluntary surrender of, ever fined, censured, reprimanded or otherwise disciplined you?"

On or about January 30, 2001, the Louisiana State Board of Nursing, Metairie, Louisiana, denied Respondent's licensure renewal and suspended his license to practice professional nursing in the State of Louisiana. On or about May 14, 2001, Respondent's license to practice professional nursing in the State of North Carolina was Summarily Suspended by the North Carolina Board of Nursing, Raleigh, North Carolina.

11. On or about March 4, 2008, while employed as a Registered Nurse with Memorial Hermann Katy Hospital, Katy, Texas, while on duty, Respondent engaged in the intemperate use of alcohol, in that he produced a specimen for a drug screen that tested positive for the presence of alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
14. On or about July 25, 2008, while employed as a Registered Nurse with Nightingale Nursing, LLC, Boca Raton, Florida, and on assignment at Brazosport Memorial Hospital, Lake Jackson, Texas, Respondent lacked fitness to practice professional nursing in that he appeared disheveled, smelled of alcohol, had difficulty with routine tasks, including completing bedside testing and logging into the Pyxis system. He was unable to complete sentences and had difficulty putting words together and was not answering questions appropriately. Furthermore, Respondent admitted to having consumed alcohol earlier in the day prior to his evening shift. He refused to consent to being tested for the presence of alcohol or drugs in his system. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his/her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
15. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
16. 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.

17. In Response to Finding of Fact Number Thirteen (13), Respondent states that he was suffering from post traumatic syndrome from hurricane Katrina. In addition to personal issues, his physician prescribed him Clonazepam in December 2007 to help him stop drinking. On the morning of March 4, 2008, he was reliving some of the family issues and decided to have a few drinks to help him sleep until having to go to work later that night. He admits it was a bad decision but felt he would be fine to go to work 7 hours later.
18. In Response to Finding of Fact Number Fourteen (14), Respondent states that he again used alcohol that day to help him calm down because he was experiencing anxiety over a personal issue. He was scheduled to work that night. They smelled alcohol on his breath and he was sent for a drug screen. Furthermore, he states that "after this occurrence and 3 months of not drinking" he realizes that he is an alcoholic.
19. Respondent's conduct described in Findings of Fact Numbers Thirteen (13) and Fourteen (14) resulted from Respondent's impairment by dependency on chemicals.
20. 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 violations of Section 301.452(b)(2),(8),(9),(10),(12) &(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(T), and 22 TEX. ADMIN. CODE §§217.12(22) (effective to September 28, 2004), and 217.12(1)(E),(4),(5),(10)(A)(D) (effective after September 28, 2004).
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 620750, heretofore issued to PHILIP JAMES ALVIANO, including revocation of Respondent's license 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.

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):

RESPONDENT SHALL deliver the wallet-sized license issued to PHILIP JAMES ALVIANO, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) 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 his license 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 multistate licensure privileges, if any, to practice 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 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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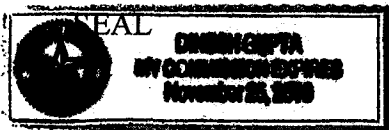
RESPONDENT'S CERTIFICATION

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. 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of October, 2008.

Philip James Alviano
PHILIP JAMES ALVIANO, Respondent

Sworn to and subscribed before me this 10 day of Oct, 2008.



Dinesh Gupta
Notary Public in and for the State of Texas

Approved as to form and substance.


Papa M. Dieye
PAPA M. DIEYE, Attorney for Respondent

Signed this 10th day of October, 2008.

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 10th day of October, 2008, by PHILIP JAMES ALVIANO, Registered Nurse License Number 620750, and said Order is final.

Entered and effective this 22nd day of October, 2008.




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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 620750 § AGREED
issued to PHILIP JAMES ALVIANO § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 620750, issued to PHILIP JAMES ALVIANO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 Diploma in Nursing from Mohawk College in Canada in May 1988. Respondent was licensed to practice professional nursing in the State of Texas in July 1995.
5. Respondent's complete professional employment history is unknown.
6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, and had been in the position for two (2) years and eleven (11) months.

7. On or about August 26, 1998, while employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, Respondent failed to transcribe an order and administered Cipro 500mg, intravenously (IV), for Medical Record #420781. Respondent noted the order for Cipro, 500mg, intravenously, but Respondent failed to transcribe it on the medication administration record. Respondent's conduct unnecessarily exposed the patient to the risk of infection.
8. On or about August 26, 1998, while employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, Respondent failed to document and complete an assessment for Medical Record #420781. The patient was admitted at 1845. Respondent failed to document nursing admission notes, perform a complete nursing assessment, and complete a nursing history for the patient. Respondent's conduct unnecessarily exposed the patient to the risk of inappropriate medical care.
9. On or about August 26, 1998, while employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, Respondent failed to adequately document the care provided for Medical Record # 919201. Respondent failed to document the reason for holding Oxycodone 80mg, a narcotic and opioid analgesic medication and Respondent failed to document the urinary output for the patient. Respondent's conduct unnecessarily exposed the patient to the risk of inappropriate care by subsequent caregivers who would not have benefit of the undocumented information.
10. On or about August 26, 1998, while employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, Respondent failed to document the removal of a foley catheter for Medical Record # 919142. The physician had ordered the removal of the foley catheter after a radiological procedure. Respondent's failure to document that the patient's foley catheter had been removed after the patient had completed the procedure placed the patient at risk of inappropriate medical care due to subsequent caregivers not having the benefit of the undocumented information.
11. On or about August 26, 1998, while employed as a Registered Nurse with Seton Northwest Medical Center, Austin, Texas, Respondent failed to adequately document the status of Medical Record # 638174, a patient who had eloped from the facility. The patient eloped from the facility at 2140 and there is no further documentation of follow-up for the patient. Respondent's conduct unnecessarily exposed the patient to the risk of inappropriate care by subsequent caregivers who would not have the benefit of the undocumented information.
12. On August 25, 2000, Respondent submitted his license and a written statement to the Board voluntarily surrendering the right to practice professional nursing in the State of Texas. Respondent did not want to receive disciplinary action.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-310.555, 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 Article 4525(b)(12), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.11(3),(6)&(7).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 620750, heretofore issued to PHILIP JAMES ALVIANO, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code and 22 TEX. ADMIN. CODE § 213.26-213.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 620750, heretofore issued to PHILIP JAMES ALVIANO, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order;
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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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 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 13 day of NOV., 2000.

Philip James Alviano
PHILIP JAMES ALVIANO, Respondent

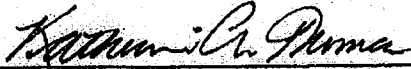
Sworn to and subscribed before me this 13th day of November, 2000.

SEAL

James E. Carroll
Notary Public in and for the State of California

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 620750, previously issued to PHILIP JAMES ALVIANO.

Effective this 17th day of November, 2000.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 620750 § REINSTATEMENT
issued to PHILIP JAMES ALVIANO § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 620750, held by PHILIP JAMES ALVIANO, hereinafter referred to as Petitioner.

An informal conference was held on March 26, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, Director of Enforcement; Eunice Carter, RN, BHA, MPA, Investigator; Candace Villarreal, Investigator; Cathy Hilliard, BSN, RN, Investigator; Jeanne Nguyen, Administrative Technician; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner received a Diploma in Nursing from Mohawk College in Canada in May 1988. Petitioner was originally licensed to practice professional nursing in the state of Texas on July 20, 1995.
3. Petitioner's professional employment history included:

09/1988 - 03/1989 Staff RN/Telemetry
 St. Joseph Hospital
 Hamilton, Ontario, Canada

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of PHILIP JAMES ALVIANO, license number 620750, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, 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 the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice professional nursing from the Board with the appropriate notation.

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must 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. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. PETITIONER SHALL obtain Board approval of the

course prior to enrollment. 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 Registered 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. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER'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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 8 day of April, 2002.

Philip James Alviano
PHILIP JAMES ALVIANO, Petitioner

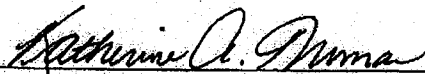
Sworn to and subscribed before me this 8th day of April, 2002.

SEAL

[Signature]
Notary Public in and for the State of Louisiana

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners
for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed
on the 8th day of April, 2002, by PHILIP JAMES ALVIANO, license number 620750,
and said Order is final.

Effective this 14th day of May, 2002.



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

Public
DOCS

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA

IN THE MATTER OF:
PHILIP JAMES ALVIANO
237 FLORIDA ST.
NEW ORLEANS, LA 70123
Respondent

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*
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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, PHILIP JAMES ALVIANO, voluntarily agree to sign and have witnessed the terms of agreements for the purpose of avoiding a formal administrative hearing with the Louisiana State Board of Nursing.

I, PHILIP JAMES ALVIANO, say that I freely, knowingly and voluntarily entered into this agreement; that I understand that I have a right to a hearing in this matter and I freely waive such right; and that I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. That on January 24, 1994, Respondent was licensed by endorsement to practice as a registered nurse in Louisiana.
2. That on August 26, 1998, Respondent failed to give appropriate nursing care in that he:
 - a. Failed to transcribe an order for IV Cipro
 - b. Failed to complete and document a patient assessment on a new admit
 - c. Failed to adequately document care provided for another patient
 - d. Failed to adequately document the status of a patient who eloped from the facility.
3. That on November 28, 2000, Respondent entered into a voluntary consent agreement with the Texas Board of Nurse Examiners, voluntarily surrendering his license.
4. That on January 2, 2001, the Board received a renewal application from Respondent in which he disclosed the voluntary surrender.
5. That on January 30, 2001, Respondent's Louisiana license was suspended due to action in another jurisdiction and renewal was denied until his Texas license was unencumbered.
6. That on April 8, 2002, Respondent's license was reinstated by an agreed order with the Texas Board of Nurse Examiners.
7. That on June, 27, 2002, Respondent was approved for reinstatement of his Louisiana Registered Nurse license.
8. That on December 4, 2002, Respondent met with Board staff to discuss probation of his Louisiana Registered Nurse License.

To facilitate submission of this Consent Order, I do not offer any defense to the FINDINGS OF FACT. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported as Reinstatement.

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA

IN THE MATTER OF:

PHILIP JAMES ALVIANO
237 FLORIDA ST.
NEW ORLEANS, LA 70123
Respondent

*
*
*

CONSENT ORDER

TERMS AGREED TO BY LICENSEE (Cont'd)

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board: That Respondent's license be retained with probation to continue for an additional twelve (12) months, with the following stipulations:

PROBATION STIPULATIONS:

1. Within three (3) days upon receipt of this Order, send RN license to the Board office so that the license can be marked "probated".
2. Prior to returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within two weeks, shall cause all employers to submit, in writing to the Board, that they have reviewed this Order.
3. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, or nursing homes. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse.
4. Immediately (within 72 hours) inform the Board in writing of any change in address.
5. If employed in nursing, immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
6. If unemployed or employed in a non-nursing position, inform the Board in writing on a quarterly basis.
7. During the period of probation, Respondent shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum of twelve(12) consecutive months.
8. Have all immediate nursing supervisors submit a performance evaluation report bimonthly, commencing from the first date of employment.
9. Within 90days, submit payment of \$200.00 to the Board.
10. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board.
11. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
12. Within 60 days, submit to a comprehensive outpatient psychiatric, and psychological evaluation by a psychiatrist, clinical psychologist approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
12. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA

IN THE MATTER OF:

PHILIP JAMES ALVIANO
237 FLORIDA ST.
NEW ORLEANS, LA 70123

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CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (Cont'd)

respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.

13. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years.
14. Shall remain free of alcohol and all unprescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the individual and the prescribing physicians within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
15. Have supervised random drug screens done monthly, through an approved LSBN laboratory. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
16. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this registrant's license. This suspension can be imposed by action of the staff subject to the discretionary review of the Board.

LOUISIANA STATE BOARD OF NURSING
METAIRIE, LOUISIANA

IN THE MATTER OF:
PHILIP JAMES ALVIANO
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Respondent

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 11 day of Dec, 2001. PH

Philip J. Alviano RN
PHILIP JAMES ALVIANO

Barbara Mc Hill
Witness

Ronda L. Hines
Witness

LOUISIANA STATE BOARD OF NURSING

12/13/02
Date Signed

Barbara L. Morvant
Barbara L. Morvant, MN, RN
Executive Director