



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 224878  
issued to WARREN NEAL WITWER

§  
§

AGREED  
ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of WARREN NEAL WITWER, License Number 224878, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 23, 2001, 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 Galveston College, Galveston, Texas, in August 1970. Respondent was licensed to practice professional nursing in the State of Texas on October 30, 1970.
5. Respondent's professional employment history includes:

9/1970-1/1976

GN/Staff Nurse  
Operating Room, ICU Units  
UTMB  
Galveston, Texas

Respondent's professional employment history continued:

1/1976-1/1986	Not employed in nursing
1/1981-5/1986	Staff Nurse/Part Time ICU Units UTMB Galveston, Texas
5/1986-12/1986	Staff/Charge Nurse CCU-ICU Mainland Center Hospital Texas City, Texas
1/1987-12/1988	Not employed in nursing
1/1989-3/1991	Float Pool Staff Nurse ICU Units St. Luke's Hospital Houston, Texas
6/1987-2/1992	Agency Nurse ICU Units Nurse Finders Inc Houston, Texas
3/1991-2/1992	Staff Nurse/IV Therapist Visiting Nurse Association Houston, Texas
2/1992-9/1995	Staff Nurse Family Medicine and Cardiology UTMB Galveston, Texas
9/1995-9/1996	RN Case Manager Texas Home Health of America Inc. Galveston, Texas
9/1996-5/1997	Nurse Clinician/Staff/Charge Nurse Family Medicine/Cardiac Cath/Telemetry/Recovery UTMB Galveston, Texas

Respondent's professional employment history continued:

5/1997-12/1998	Nurse Clinician Orthopedics UTMB Galveston, Texas
12/1998-11/2000	Nurse Clinician Float Pool UTMB Galveston, Texas
12/2000-Present	Agency Nurse, Full Time Medical Staffing Network Houston, Texas

6. At the time of the incident, Respondent was employed as a Nurse Clinician in the float pool with the University of Texas Medical Branch (UTMB), Galveston, Texas, and had been in this position for nineteen (19) months.
7. On or about July 31, 2000, while employed with The University of Texas Medical Branch at Galveston, Galveston, Texas, Respondent failed to administer medication as ordered by the physician for Medical Record UH#166891Q, but documented on the Medication Administration Record (MAR) that the medications were administered. The medications were later found in the patient's medication drawer. Respondent's failure to administer physician-ordered medications unnecessarily exposed the patient to harm from lack of adequate treatment.

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 License Number 224878, heretofore issued to WARREN NEAL WITWER, including revocation of Respondent's professional license to practice 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, Section §§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-size license issued to WARREN NEAL WITWER to the office of the Board of Nurse Examiners within three weeks 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 nursing jurisprudence. RESPONDENT 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 shall include Registered 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.

(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. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered 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.

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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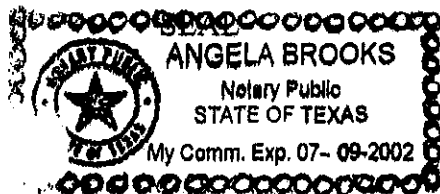
RESPONDENT'S CERTIFICATION

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 19 day of Dec, 2001.

Warren Neal Witwer  
WARREN NEAL WITWER, Respondent

Sworn to and subscribed before me this 19th day of December, 2001.



Angela Brooks  
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 19th day of December, 2001, by WARREN NEAL WITWER, License Number 224878, and said Order is final.

Effective this 2nd day of January, 2002.



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