



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 TEXAS BOARD OF NURSING

In the Matter of Certified Registered Nurse Anesthetist with Prescriptive Authorization, Registered Nurse License Number 660131, and Licensed Vocational Nurse License Number 167620 issued to BRAD MICHAEL FIELDER

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRAD MICHAEL FIELDER, Certified Registered Nurse Anesthetist with Prescriptive Authorization, Registered Nurse License Number 660131, and Vocational Nurse License Number 167620, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved on January 4, 2013, by Katherine A. Thomas, MN, RN, FAAN, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Howard College, Big Spring, Texas, on May 8, 1998 and was licensed to practice vocational nursing in the State of Texas on June 17, 1998. Respondent received an Associate Degree in Nursing from Howard College, Big Spring, Texas, on May 1, 1999 and was licensed to practice professional

nursing in the State of Texas on June 8, 1999. Respondent received a Bachelor Degree in Nursing from Angelo State University, San Angelo, Texas, in May of 2002. Respondent received a Masters of Science in Nurse Anesthesia from Texas Christian University, Fort Worth, Texas, on December 2, 2005. Respondent became Board recognized as a Nurse Anesthetist on December 23, 2005, and received Prescriptive Authority on September 8, 2008.

5. Respondent's professional and vocational nursing employment history includes:

05/98 - 11/05	Unknown	
12/05 - 09/06	CRNA	Jackson County Medical Center Altus, Oklahoma
09/06 - 11/11	CRNA	West Texas Medical Associates San Angelo, Texas
11/11 - Present	CRNA	Pecos County Memorial Hospital Fort Stockton, Texas

6. At the time of the _____ incident, Respondent was employed as a Certified Registered Nurse Anesthetist with West Texas Medical Associates, San Angelo, Texas.

8. On or about October 20, 2011 through October 28, 2011, while employed with West Texas Medical Associates (WTMA), Respondent improperly documented that TS, CRNA, may have provided anesthesia services to Patient ID 83777276, Patient ID 84089648, Patient ID 84089630, Patient ID 84040609, Patient ID 84089895, Patient ID 83866566, Patient ID 84091628, Patient ID 84010180, Patient ID 83614727, Patient ID 83737882, Patient ID 83441824, Patient ID 83952325, Patient ID 83874479, and Patient ID 83817478, when Respondent had actually provided the anesthesia services. Additionally, these improperly documented "fee tickets" were submitted to Medicare, Medicaid and third party payers for reimbursement of services. Respondent's conduct resulted in inaccurate record and was likely to deceive West Texas Medical Associates, San Angelo, Texas, Medicare, Medicaid, and other third party payers regarding the correct provider.

10. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states that upon resigning from WTMA, he continued to work for thirty (30) days to honor his employment contract with the group. He states that since he would not be an employee of WTMA when payment would be received for the work he did in the final ten (10) days of his employment, he wished to reassign the benefits of his billing to one of his colleagues. He states that this is not standard practice for an employee resigning from the group, however, the group has no policy directly forbidding the action and doing so is not illegal. Respondent states that he made no attempt to defraud, inflate or bill for services that were not provided, and he believes that a complaint was submitted to the Board because of the circumstances surrounding his resignation. Respondent adds that WTMA owes him a considerable sum of money for which he has had to consult an attorney.

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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(A),(6)(H)&(6)(I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Certified Registered Nurse Anesthetist, Registered Nurse License Number 660131, and Vocational Nurse License Number 167620, heretofore issued to BRAD MICHAEL FIELDER, 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 RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND FINE, and 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.

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, 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.

IT IS FURTHER AGREED that:

(1) 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) 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>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 this workshop may be found at the following web address:* <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of one-thousand

dollars (\$1000.00). RESPONDENT SHALL pay this fine within 90 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 STIPULATIONS FOR 1 YEAR(S) 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 THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) 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.

(5) 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

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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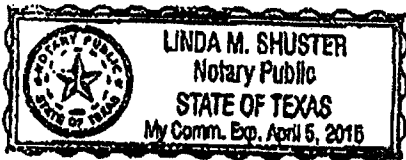
RESPONDENT'S CERTIFICATION

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 7 day of January, 2013.

Brad Michael Fielder
BRAD MICHAEL FIELDER, Respondent

Sworn to and subscribed before me this 7 day of January, 2013.



Linda M. Shuster
Notary Public in and for the State of Texas


Approved as to form and substance.

Darrin Dest
Darrin Dest, Attorney for Respondent

Signed this 7th day of January 20 13

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of January, 2013, by BRAD MICHAEL FIELDER, Certified Registered Nurse Anesthetist, Registered Nurse License Number 660131, and Vocational Nurse License Number 167620, and said Order is final.

Effective this 12th day of February, 2013.



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