



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 § AGREED
Registered Nurse License Number 455548 §
issued to DEAN F. GOSSSEN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEAN F. GOSSSEN, Registered Nurse License Number 455548, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. ART. 4525(a)(eff. 1983), Texas Occupations Code, and Section 301.452(b)(2)&(10) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 7, 2013, 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 a Baccalaureate Degree in Nursing from University of Southwestern, Lafayette, Louisiana, on May 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on November 10, 1980.
5. For the past 25 years, Respondent has been employed as an RN in non-patient care roles. Most recently, he has been employed in the insurance industry as an RN case manager.

6. On or about January 16, 1984, Respondent was arrested by the Police Department, Houston, Texas, for DRIVING WHILE INTOXICATED, a misdemeanor offense. On or about February 14, 1984, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 1ST, a Class A misdemeanor offense, in the County Court, Harris County, Texas, under Case No. 075089901010. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years.

7. On or about July 8, 2009, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
 - A. been convicted of a misdemeanor?
 - B. been convicted of a felony?
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or have any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that four and a half years ago, on or about March 4, 2009, Respondent was arrested by the Harris County Constable Precinct 4, Houston, Texas, for DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense. Respondent was subsequently charged under Cause No. 161515501010 for DRIVING WHILE INTOXICATED 2ND OFFENDER BAC .08. The charge was pending at the time of renewal. Respondent had been advised by his criminal defense counsel at the time that he was not required to report the matter.

8. On or about August 10, 2009, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense committed on March 4, 2009, in the County Criminal Court at Law No. 14, Harris County, Texas, under Cause No. 1584315. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs. Respondent successfully completed all terms of probation.

9. On or about August 10, 2009, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 2ND OFFENDER BAC .08, a Class A misdemeanor offense, in the County Criminal Court, Harris County, Texas, under Cause No. 1615155. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs. The matter was dismissed on August 10, 2009.
10. At the Board's request, on or about April 18, 2013, Respondent voluntarily presented to A. David Axelrad, M.D., Bellaire, Texas, for psychological testing, and an interview. As a result, Dr. Axelrad was able to offer the following Conclusion and Recommendation: "Based upon the patient's history, his responses on the SCID-a and the responses to the questionnaire of the SCID-2, and his psychological testing (including the SCL-90-4, the SASSI-3, and the MMPI-2) Mr. Gossen is not demonstrating any significant evidence of psychiatric problems at this time. Further, there is no significant evidence that Mr. Gossen is currently experiencing an alcohol or drug abuse disorder. While most certainly the DWIs in 1984 and 2009 were serious and significant, it is important to note that he did have an excellent response to the experiences he had in 2009 which would include not only the arrest for the DWI in March of 2009, but also the circumstances involving his arrest following the motor vehicle-motorcycle accident in the Walmart parking lot in July of 2009. Mr. Gossen did accept the importance of alcohol abstinence as a way of life for himself and he obviously did respond well to the two year period of probation following the 2009 arrest and conviction and has continued to maintain his sobriety since that time. In view of the above considerations and based upon my evaluation of Mr. Gossen, I do not find that he is experiencing any psychiatric disorders at this time and more specifically does not have an alcohol or drug abuse problem at this time."
11. Respondent voluntarily submitted to hair and biweekly urine drug testing for drugs and alcohol from May 2013 to present. All of the samples were negative.
12. Respondent's job performance evaluations regarding his employment as a RN by his employer for 2011 and 2012 indicate consistent ratings of outstanding and/or exceeding expectations.
13. The Board finds that there exists risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
14. Formal Charges were filed on September 12, 2013.
15. Formal Charges were mailed to Respondent on September 16, 2013.

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(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4525(a)(eff. 1983), Texas Occupations Code, and Section 301.452(b)(2)&(10), to take disciplinary action against Registered Nurse License Number 455548, heretofore issued to DEAN F GOSSEN, 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 LIMITED LICENSE with Stipulations, 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 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) While under the terms of this Order, RESPONDENT SHALL NOT provide direct

patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require him to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license.

(3) 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.texas.gov/disciplinaryaction/stipscourses.html>

(4) 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (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.

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RESPONDENT'S CERTIFICATION

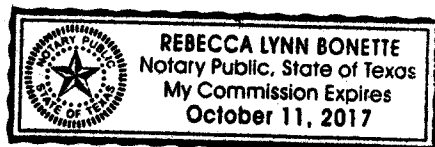
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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 25th day of October, 2013.

Dean F. Gosson
DEAN F. GOSSEN, Respondent

Sworn to and subscribed before me this 25 day of October, 2013.

SEAL



Rebecca Lynn Bonette

Notary Public in and for the State of Texas

Approved as to form and substance.

Tony Cobos
Tony Cobos, Attorney for Respondent

Signed this 4th day of November, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of October, 2013, by DEAN F. GOSSEN, Registered Nurse License Number 455548, and said Order is final.

Effective this 10th day of December, 2013.



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