

BEFORE THE TEXAS BOARD OF NURSING

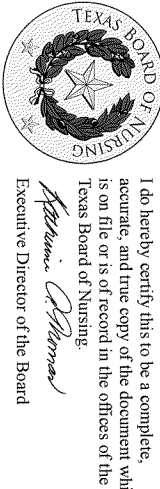
In the Matter of § AGREED
Vocational Nurse License Number 167521 §
issued to RODERICK DALE ANDERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RODERICK DALE ANDERSON, Vocational Nurse License Number 167521, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 20, 2013.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Erie 2 Chautauqua Cattaraugus BOCES, Dunkuk, New York, on May 23, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1998.
5. Respondent's vocational nursing employment history is unknown.



6. On or about August 28, 2003, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense committed on May 21, 2003, in the Criminal Court of Appeals No. 2, Dallas County, Texas, under Cause No. MA0335455. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of two hundred ten (210) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs. On or about September 1, 2006, Respondent was discharged from probation.
7. On or about January 15, 2004, Respondent entered a plea of No Contest to and was convicted of DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense committed on August 13, 2003, in the Criminal Court of Appeals No. 2, Dallas County, Texas, under Cause No. MB0336356. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of one hundred fifty (150) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of nine (9) months, and ordered to pay a fine and court costs.
8. On or about March 4, 2004, Respondent submitted a License Renewal Document to the Board of Nurse of Vocational Nurse Examiners, in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?

Respondent failed to disclose that, on or about August 28, 2003, Respondent pled Guilty to and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense committed on May 21, 2003, in the Criminal Court of Appeals No. 2, Dallas County, Texas, under Cause No. MA0335455.

Respondent also failed to disclose that, on or about January 15, 2004, Respondent entered a plea of No Contest to and was convicted of DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense committed on August 13, 2003, in the Criminal Court of Appeals No. 2, Dallas County, Texas, under Cause No. MB0336356.

9. On or about October 24, 2004, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense committed on April 8, 2004, in the Criminal Court at Law, Dallas County, Texas, under Cause No. MB0439886. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

10. On or about September 18, 2005, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse of Examiners for the State of Texas, in which provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that, on or about October 24, 2004, Respondent pled Guilty to and was convicted of DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense committed on April 8, 2004, in the Criminal Court at Law, Dallas County, Texas, under Cause No. MB0439886.

11. On or about November 19, 2013, Respondent underwent a chemical dependency evaluation, with John Lehman Ph.D. Dr. Lehman's summary is that the Respondent reports he quit drinking in 2008, around the time he got his driver's license back. Dr. Lehman does not see evidence from the evaluation that would indicate ongoing chemical dependency or psychological issues. Respondent is well adjusted and does not pose any risk to practice or to others. Dr. Lehman does not believe there are any treatment or monitoring needs at this time, based upon the information available.
12. Formal Charges were filed on May 16, 2013.
13. Formal Charges were mailed to Respondent on May 22, 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 Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 167521, heretofore issued to RODERICK DALE ANDERSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION AND A 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 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, 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>.

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

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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.

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 may 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 waive representation by counsel. 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of January, 2014.
Roderick Dale Anderson
RODERICK DALE ANDERSON, Respondent

Sworn to and subscribed before me this 16th day of January, 2014.

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 ratify and adopt the Agreed Order that was signed on the 16th day of January, 2014, by RODERICK DALE ANDERSON, Vocational Nurse License Number 167521, and said Order is final.

Effective this 22nd day of January, 2014.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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