



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 Advanced Practice Registered Nurse License Number AP101390 & Registered Nurse License Number 232995 issued to JOHN TIMOTHY TURNEY § AGREED § § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JOHN TIMOTHY TURNEY, Advanced Practice Registered Nurse Number AP101390 and Registered Nurse License Number 232995, 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)(10)&(13) and 301.453, 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 April 10, 2014, 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 representation by counsel, 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 an Associate Degree in Nursing from Angelina College, Lufkin, Texas, on May 1, 1974. Respondent was licensed to practice professional nursing in the State of Texas on March 25, 1975. Respondent received a post-graduate certificate as a Nurse Anesthetist from Charity Hospital School of Anesthesia, New Orleans, Louisiana, on October 10, 1979, and became Board recognized as a Nurse Anesthetist in the State of Texas on February 11, 1987.

5. Respondent's nursing employment history includes:

3/75 - 9/76	Staff Nurse	Hermann Hospital Houston, Texas
10/76 - 1/77	Staff Nurse Newborn Nursery	Nan Travis Hospital Jacksonville, Texas
2/77 - 9/77	Unknown	
10/77 - 10/79	Student	Charity Hospital School of Anesthesia New Orleans, Louisiana
11/79 - 10/81	Certified Registered Nurse Anesthetist (CRNA)	East Jefferson General Hospital Metarie, Louisiana
11/81 - 7/82	CRNA	Mother Frances Hospital Tyler, Texas
8/82 - 10/82	Unknown	
11/82 - 9/85	CRNA	Lufkin Memorial Hospital Lufkin, Texas
10/85 - 9/03	CRNA	Good Shepherd Medical Center Longview, Texas
10/03 - 9/09	CRNA	Greater Houston Anesthesia Houston, Texas
2/05 - 3/07	CRNA Per Diem	The Woodlands Ambulatory Surgery Center The Woodlands, Texas
10/09 - 9/11	CRNA	Texans Anesthesia Associates Houston, Texas
10/11 - 3/12	CRNA	Memorial Hermann Surgery Center The Woodlands, Texas
4/12 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Certified Registered Nurse Anesthetist (CRNA) with Memorial Hermann Surgical Center, The Woodlands, Texas, and had been in this position for five (5) months.

7. On or about March 19, 2012, while employed as a CRNA with Memorial Hermann Surgery Center, The Woodlands, Texas, Respondent was witnessed acting suspiciously while concealing items he was placing in his locker and there was concern that Respondent may lack of fitness to practice professional nursing. A search of Respondent's revealed several opened vials of Versed, used for preoperative sedation, as well as several unopened vials of Fentanyl, an opioid analgesic used as adjunct to anesthesia. Respondent was required to undergo a Chemical Dependency Evaluation. Respondent's conduct was likely to defraud the facility of the cost of the medications.
8. In response to the incident in Finding of Fact Number Seven (7) Respondent states he was assigned to an operating room that had twenty three (23) scheduled pain injection procedures. Respondent explains that each procedure required as many as seven (7) syringes per patient and since rapid turnover was required, his productivity to keep pace was stretched. "Trying to be prepared for each procedure, I carried sedation drugs with me to meet the pain patient's requirement for pre-op sedation." Respondent denies that it was intended for personal use.
9. On January 3, 2014, Respondent completed a Chemical Dependency Evaluation performed by Dr. Kit W. Harrison, Ph.D., Forensic and NeuroPsychologist. The evaluator states, in part, that Respondent "presents a rather cavalier and avant garde with regard to following protocols and the jurisprudence aspects of his profession, seeming to perceive that he has somehow transcended established requirements for documentation and medication administration." Based on the overall evaluation, and the results of a valid SASSI-3 profile and a valid MMPT-2 RF profile, Dr. Harrison finds that Respondent has a low probability of having a substance dependence disorder. Dr. Harrison recommends that Respondent complete additional training in nursing jurisprudence and satisfy the Board that he is successfully in compliance with medication administration.

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 §§217.11(1)(A),(1)(B),(1)(C),(1)(D)&(4) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP101390 and Registered Nurse License Number 232995, heretofore issued to JOHN TIMOTHY TURNEY, 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 WARNING 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, 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.texas.gov/compliance>.*

(2) 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 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. 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 six (6) 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. 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 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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/compliance>.*

(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/compliance>.*

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 ONE (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:

(5) 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.

(6) 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.

(7) Should RESPONDENT choose to work as a CRNA, RESPONDENT'S practice of professional nursing will be monitored for one (1) year by an Anesthesiologist or Certified Registered Nurse Anesthetist who has been approved by the Board. Respondent must provide a list of three (3) Anesthesiologists and/or three (3) Certified Registered Nurse Anesthetists for the Board to select. For the Anesthesiologist and/or Certified Registered Nurse Anesthetist, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3)

month period for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

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 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 12 day of May, 2014.

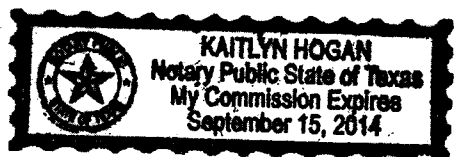
John Timothy Turney
JOHN TIMOTHY TURNEY, RESPONDENT

Sworn to and subscribed before me this 12th day of May, 2014.

SEAL

Kaitlyn Hogan

Notary Public in and for the State of Texas

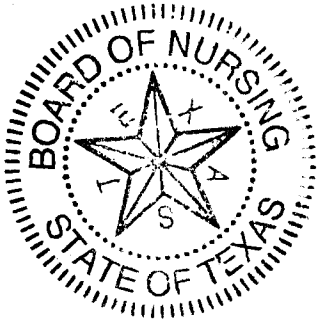


WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of May , 2014, by JOHN TIMOTHY TURNEY, Advanced Practice Registered Nurse License Number AP101390 and Registered Nurse License Number 232995, and said Order is final.

Effective this 10th day of June , 2014.



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



I certify this to be a true copy
of the records on file with the
Texas Board of Nursing
Date: 6/12/14
Signed: [Signature]