



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 AP115128 & Registered Nurse License Number 669227 issued to ADAM WAYNE HOWE § AGREED § § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ADAM WAYNE HOWE, Advanced Practice Registered Nurse License Number AP115128, and Registered Nurse License Number 669227, 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)(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 4, 2015.

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 notice and hearing and agreed to the entry of this Order.
- 3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
- 4. Respondent received a Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, on May 1, 2000, and received a Certificate in Acute Adult Care from the University of Texas Medical Branch, Galveston, Texas, on December 16, 2005. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 2000, and was licensed to practice advanced practice registered nursing in the role of Acute Care Adult Nurse Practitioner with prescription authorization in the State of Texas on July 3, 2006.

5. Respondent's nursing employment history includes:

5/2000-6/2006	Unknown	
7/2006-Present	Acute Care Adult Nurse Practitioner	Baptist Beaumont Hospital Baptist Hospitals of Southeast Texas, Beaumont, Texas
6. At the time of the initial incident, Respondent was employed as an Acute Care Adult Nurse Practitioner with Baptist Beaumont Hospital, Baptist Hospitals of Southeast Texas, Beaumont, Texas, and had been in that position for eight (8) years and nine (9) months.
7. On or about March 1, 2015, while employed as an Acute Care Adult Advanced Practice nurse with Baptist Beaumont Hospital, Beaumont, Texas, Respondent prescribed Penicillin V Potassium for Patient Number 120161791, despite the patient's documented allergy to Penicillin. Two (2) days later the patient returned to the emergency department with complaints of "itching" related to the use of the prescribed Penicillin. Respondent's conduct exposed the patient unnecessarily to risk of harm from a possible adverse reaction to the medication.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states he assessed the patient, who when asked if he had any allergies to any medications, told Respondent he did not believe he was allergic to Penicillin, but had just been told as a child he had this allergy. Respondent states he documented their conversation in the chart and based on his evaluation and work-up he discharged the patient home with Robaxin, Ultram and Penicillin.

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)&(4)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP115128 and Registered Nurse License Number 669227, heretofore issued to ADAM WAYNE HOWE.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.

- B. **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.

- C. **A Board-approved Pharmacology Update/Refresher Course for Advanced Practice Nurses** of at least six (6) hours, all of which must classroom time and not include homework assignments. 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 Advance Practice Nurses and content must include, at a minimum: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, will not be accepted. 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.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. **RESTORATION OF UNENCUMBERED LICENSE(S)**

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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

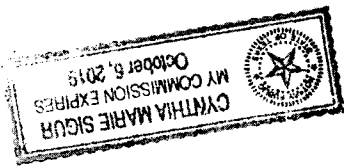
Signed this 6 day of January, 2016.

Adam Wayne Howe
ADAM WAYNE HOWE, Respondent

Sworn to and subscribed before me this 6 day of January, 2016.

SEAL

Cynthia Marie Sigra
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 6th day of January, 2016, by ADAM WAYNE HOWE, Advanced Practice Registered Nurse License Number AP115128 and Registered Nurse License Number 669227, and said Order is final.

Effective this 12th day of January, 2016.



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