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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Advanced Practice Registered	§	AGREED
Nurse License Number AP118302 with	§	
Prescription Authorization Number 9643	§	
& Registered Nurse License Number 775309	§	
issued to TIM C SENTHAVISOUK	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TIM C SENTHAVISOUK, Advanced Practice Registered Nurse License Number AP118302 with Prescription Authorization Number 9643 and Registered Nurse License Number 775309, 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)(1),(10)&(13) and 168.101(a) and 168.102(a) & (b) (effective 09/01/2011 to current), 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 24, 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 an Associate Degree in Nursing from College of the Redwoods, Eureka, California, on June 1, 1990. and received a Masters in Nursing from the University of

Hawaii-Manoa, Honolulu, Hawaii on May 15, 2005. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 2009 and was licensed to practice advanced practice registered nursing in the role of Family Nurse Practitioner with prescription authorization in the State of Texas on October 7, 2009.

5. Respondent's nursing employment history includes:

9/09-4/12	Unknown	
5/12-11/12	FNP	Corner Clinic Houston, Texas
12/12-3/14	FNP	The University of Texas Medical Branch (UTMB)- Stiles Unit Beaumont, Texas
4/14-8/14	FNP	Home Care Nursing San Antonio, Texas
9/14-Unknown		Not working in Nursing due to Health Issues
Present		Prison Facility Sacramento, California

6. On or about December 17, 2011 through December 16, 2012, Respondent's practice fell below the minimum standards of nursing practice in that he engaged in non-therapeutic prescribing. During this time period, Respondent issued one-thousand, eight-hundred and thirty (1,830) prescriptions for controlled substances, which included dangerous drug cocktails. Dangerous drug cocktails are combinations of controlled substances, such as hydrocodone, Soma, and alprazolam, which have greater risks than therapeutic benefit when taken together.

More specifically, Respondent issued prescriptions for controlled substances to patients: TC, SC, KC, KB, JF, JC, JH, DC, DG, DF, DB, CA, CB, BD, and AD, without conducting appropriate assessments to justify his prescribing practices. Respondent repeatedly prescribed hydrocodone, Soma, and/or a benzodiazepine to patients in the same doses, quantities, and strengths, indicating a failure to individually assess each patient and develop a treatment plan in response to each patient's individualized assessment. This type of prescribing falls below the standard of care in that the combination of Central Nervous System (CNS) depressants in such unsupported quantities has greater risks than therapeutic benefit.

Further, Respondent failed to follow minimum standards of nursing related to pain management in that he repeatedly failed to: (a) exhaust low-risk, evidence-based treatments before resorting to high-risk, non-evidence based treatment; (b) appropriately monitor patients for aberrant and/or drug-seeking behavior; and (c) adequately collaborate or adequately document collaboration with a delegating physician.

7. On or about May 17, 2012 through October 25, 2012, while employed as a Family Nurse Practitioner and owner of The Corner Clinic in Houston, Texas, Respondent violated state laws, rules, and regulations. Specifically, Respondent owned, operated, and issued prescriptions from a pain management clinic not registered with the Texas Medical Board.
8. In response to Findings of Fact Number Six (6), through Eight (7), Respondent states when he opened his doors at the Corner Clinic in June 2012, most of his patients, including 11 of the 15 patients described in these charts were return patients. Respondent continues that the eleven established patients had already been assessed, diagnosed, and treated by the owner of Today Care Clinic (the clinic's prior name), who provided Respondent with existing medical records and patient histories that he consulted when he saw them in follow-up at the re-named Corner Clinic. Respondent states the other four patients were technically "new" but they had all claimed a history of chronic pain which was substantiated by medical records. Respondent explains he discussed his protocol for pain patients with his supervising physician before they began their association, adopted his suggestions, and assumed the physician would not have approved or signed his charts absent the appropriate assessments for treatment. Respondent states he acknowledges he operated a clinic not registered under the new TOC Chapter 168 laws effective in December 2011, and that his supervising physician was not present at the Corner Clinic 33% of the time, required by that same law. He acknowledges he should have known about this 2011 law and never bought the business in the first place.
9. Formal Charges were filed on October 15, 2015
10. Formal Charges were mailed to Respondent on October 19, 2015.

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); 217.12(1)(A), (1)(B), (4), &(11)(B); 221.12 (1); and 221.13 (a)&(b).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(13), as well as Sections 168.101(a) and 168.102(a) & (b) (effective 09/01/2011 to current) of the Texas Occupations Code. Respondent is subject to disciplinary action under Sections 168.202 (effective 09/01/2011 to current) to take disciplinary action against Advanced Practice Registered Nurse License Number AP118302 and Registered Nurse License Number 775309, heretofore issued to TIM C SENTHAVISOUK, including revocation of

Respondent's license(s) to practice nursing in the State of Texas.

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

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that:

- A. Prescription Authorization Number 9643, previously issued to TIM C SENTHAVISOUK, is **LIMITED and RESPONDENT SHALL NOT prescribe or order any controlled substances**. Further, RESPONDENT SHALL surrender all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s) and/or DPS (Texas Department of Public Safety) Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, on or before the effective date of this Order; and
- B. Advanced Practice Registered Nurse License Number AP118302 and Registered Nurse License Number 775309 previously issued to TIM C SENTHAVISOUK, to practice nursing in Texas are hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

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.

- 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.

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. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- C. 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/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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five thousand dollars (\$5,000.00) within one (1) year 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.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of

employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
- C. Indirect Supervision:** For the entire stipulation/probation period, RESPONDENT SHALL be supervised by an Advanced Practice Registered Nurse or Physician who is on the premises. The supervising Advanced Practice Registered Nurse or Physician is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising Advanced Practice Registered Nurse or Physician shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as Respondent. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising Advanced Practice Registered Nurse or Physician to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises the RESPONDENT and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and

shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. RESTORATION OF UNENCUMBERED LICENSE(S) WITH LIMITED PRESCRIPTION AUTHORIZATION

With the exception of RESPONDENT'S Prescription Authorization, upon full compliance with the terms of this Order, all other 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.

VIII. PETITIONING FOR FULL PRESCRIPTION AUTHORIZATION

Upon full compliance with the terms of this Order, RESPONDENT'S Prescription Authorization shall remain **LIMITED** and **RESPONDENT SHALL NOT be authorized to prescribe or order any controlled substances** until such time that RESPONDENT petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, RESPONDENT SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain. The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.
- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or DPS Controlled Substances Registration Certificate(s) and/or any other government issued certificates or

authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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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 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 18th day of December, 2015.

T. Sentha

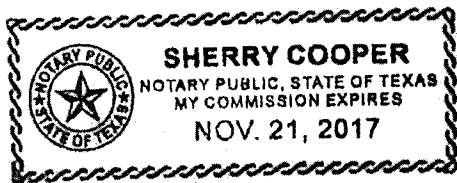
TIM C SENTHAVISOUK, Respondent

Sworn to and subscribed before me this 18th day of December, 2015.

SEAL

Sherry Cooper

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Brian H. Tew

BRIAN H. TEW, Attorney for Respondent

Signed this 21 day of December, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of December, 2015, by TIM C SENTHAVISOUK, Advanced Practice Registered Nurse License Number AP118302 with Prescription Authorization Number 9643 and Registered Nurse License Number 775309, and said Order is final.

Effective this 9th day of February, 2016.



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