



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 255622 | § | |
| issued to JOHN LOUIS SCHAFFER | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOHN LOUIS SCHAFFER, Registered Nurse License Number 255622, 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), 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 September 25, 2017.

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.
4. Respondent received a diploma in Nursing from Northwest Texas Hospital, Amarillo, Texas, on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.
5. Respondent's nursing employment history includes:

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|-------------|----|---|
| 1981 - 1990 | RN | High Plains Baptist Hospital Amarillo, Texas |
|-------------|----|---|

Respondent's nursing employment history continued:

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|-------------------|----|--|
| 1990 - 1993 | RN | Baptist Medical Center Little Rock, Arkansas |
| 1993 - 2013 | RN | Houston Northwest Medical Center Houston, Texas |
| 11/2013 - 02/2017 | RN | Parkview Hospital Wheeler, Texas |
| 2017 - Present | RN | Accolade Home Health Care Shamrock, Texas |

6. At the time of the initial incident, Respondent was employed as a night shift Charge Nurse with Parkview Hospital, Wheeler, Texas, and had been in that position for two (2) years and two (2) months.
7. On or about January 1, 2016, through January 3, 2016, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent falsely documented patient assessments in the chart of Patient Medical Record Number 6195 in that he did not conduct the patient assessments. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation for further care.
8. On or about April 22, 2016, through April 23, 2016, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent falsely documented a patient assessment in the chart of Patient Medical Record Number (MRN) 689 in that he did not conduct the patient assessment. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation for further care.
9. On or about April 22, 2016, through April 23, 2016, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent failed to document that Patient MRN 689 requested pain medication on three (3) occasions during his shift. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation for further care.
10. On or about April 22, 2016, through April 23, 2016, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent failed to assess and intervene when Patient MRN 689 requested pain medication on three (3) occasions during his shift. Instead Respondent told the patient that she did not need to be there, that he was not going to bother the doctor, and that he was really tired and needed to get some rest. Respondent's conduct exposed the patient unnecessarily to prolonged pain and prevented a timely intervention.

11. On or about December 13, 2016, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent falsely documented a full patient assessment in the chart of Patient Medical Record Number 349 in that he only listened to the patient's respiratory system and did not conduct a full assessment. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation for further care.
12. On or about February 12, 2017, while employed as a Charge Nurse with Parkview Hospital, Wheeler, Texas, Respondent falsely documented a patient assessment in the chart of Patient Medical Record Number 2661 in that he did not conduct the patient assessment. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation for further care.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states he did not intentionally document any false assessments in patient records and he would not deny a patient their medication.

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),(1)(M)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 255622, heretofore issued to JOHN LOUIS SCHAFFER.
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 **WARNING WITH STIPULATIONS AND A FINE** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved 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.*

V. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1,000.00) within ninety (90) 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.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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 employer 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VII. 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

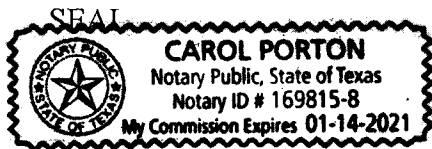
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 13th day of November, 2017.

John Louis Schaffer
JOHN LOUIS SCHAFFER, Respondent

Sworn to and subscribed before me this 13th day of November, 2017.



Carol Porton
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 13th day of November, 2017, by JOHN LOUIS SCHAFFER, Registered Nurse License Number 255622, and said Order is final.

Effective this 12th day of December, 2017.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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