



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
Registered Nurse License Number 521479
issued to MICHAEL P ANDERSON

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL P ANDERSON, Registered Nurse License Number 521479, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 17, 2018.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas, El Paso, Texas, on December 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on March 20, 1985.
5. Respondent's professional nursing employment history includes:

03/85 – 05/87

RN

VA Hospital
Big Spring, Texas

Respondent's professional nursing employment history continued:

05/87 – 04/94	RN	William Beaumont Army Medical Center El Paso, Texas
01/92 – 05/92	RN	Sierra Medical Center El Paso, Texas
05/92 – 08/94	Unknown	
09/94 – 01/95	RN	ABC Home Health Laredo, Texas
02/95 – 12/95	Unknown	
01/96 – 02/97	Agency RN	Nurses Plus Phoenix, Arizona
03/97 – 10/97	Unknown	
11/97 – 02/98	RN	Healix Infusion Home Health Care El Paso, Texas
02/98 – 11/06	RN	Casero Home Health & Hospice El Paso, Texas
12/06 – 05/11	Agency RN	Our Angel El Paso, Texas
06/11 – 10/11	Unknown	
11/11 – 01/13	RN	Urgent Home Care El Paso, Texas
11/11 – 12/13	RN	El Paso Community Home Health El Paso, Texas
08/12 – 01/13	PRN RN	Oasis Home Health El Paso
01/13 – 04/13	PRN RN	Nursemind Home Health El Paso, Texas

Respondent's professional nursing employment history continued:

06/13 – 05/16	RN	TLC Home Health El Paso, Texas
06/14 – 05/16	RN	Footprints El Paso, Texas
06/16 – 06/16	Contract RN	Mountain View Medical Center Las Cruces, New Mexico
06/16 – 10/16	RN DON	Otero County Prison Chaparral, New Mexico
11/16 – 05/18	Field RN	First Choice Health El Paso, Texas
08/17 – Present	RN	Quantum Home Health Las Cruces, New Mexico
05/18 – 06/18	Travel RN	Supplemental Health Care Park City, Utah

6. At the time of the initial incident, Respondent was employed as a Travel Registered Nurse (RN) with Supplemental Health Care, Park City, Utah, and had been in that position for one (1) month.
7. On or about June 6, 2018, through June 29, 2018, while utilizing a Privilege to Practice nursing from the State of Texas, and employed as a Travel Registered Nurse (RN) with Supplemental Health Care, Park City, Utah, and on assignment at Sierra Home Health, Truth or Consequences, New Mexico, Respondent failed to complete and submit twenty-four (24) routine nursing visit notes for Patients TK, NL, SM, MO, SS, NS, SW, and JC. Additionally, Respondent failed to complete and submit two (2) Start of Care visit notes for Patients JF and ML. Respondent's conduct created incomplete medical records and was likely to injure the patients in that subsequent care givers would not have complete information to base their decisions for further care.
8. In response to Finding of Fact Number Seven (7), Respondent states that he and another nurse brought to the attention of Sierra Home Health that there were violations of the conditions of participation for the Centers for Medicare and Medicaid Services (CMS). Respondent states that he and the other nurse were later threatened. Respondent states that he feels there was a consistent practice of mismanagement and he received no support from Supplemental Health Care so he resigned and was later locked out of the system. Respondent asserts he did not willfully neglect to ensure his documentation was completed in a timely manner.

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)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
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 521479, heretofore issued to MICHAEL P ANDERSON.
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 WITH 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 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 two hundred fifty dollars (\$250.00) within forty-five (45) days of the effective date 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. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

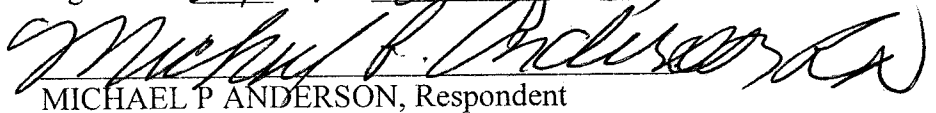
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RESPONDENT'S CERTIFICATION

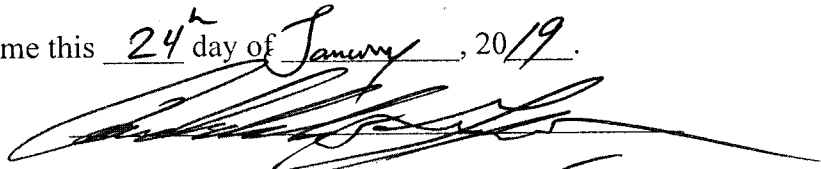
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

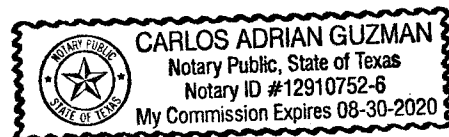
Signed this 24 day of January, 2019


MICHAEL P ANDERSON, Respondent

Sworn to and subscribed before me this 24th day of January, 2019.

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 24th day of January, 20 19, by MICHAEL P ANDERSON, Registered Nurse License Number 521479, and said Agreed Order is final.

Effective this 28th day of January, 20 19.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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