



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 ORDER
Vocational Nurse License Number 168324	§	
issued to ALAN RICHARD ASKARAN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALAN RICHARD ASKARAN, Vocational Nurse License Number 168324, 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 February 27, 2019.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from the Army Practical Nurse Course, Fort Sam Houston, Texas, on August 1, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on September 2, 1998.
5. Respondent's vocational nursing employment history includes:

09/98 – 2006	LVN	US Army Reserve
2007 – 01/10	Unknown	

Respondent's vocational nursing employment history continued:

02/10 – 03/10	LVN/MDS Coordinator	Meridian Care Center San Antonio, Texas
03/10 – 12/11	LVN/ADON	Normandy Terrace San Antonio, Texas
01/12 – 05/12	Unknown	
06/12 – Present	LVN	Special Kids Care San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and had been in that position for four (4) years and ten (10) months.
7. On or about April 3, 2017, through March 24, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent administered, and/or inaccurately documented that he administered, Albuterol and Xopenex to the patient at the same time. The patient's plan of care stated that Xopenex was to be administered to Patient XJG only if the Albuterol was not available, and vice-versa. Respondent's conduct unnecessarily exposed the patient to a risk of adverse reactions.
8. On or about April 18, 2017, through March 24, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent failed to provide Respiratory Care as ordered by the physician, including but not limited to: verifying pulse oximeter settings, changing the location of the pulse oximeter, providing cough assist and changing trach ties, and/or Respondent failed to document that he provided the Respiratory Care in the patient's Treatment Administration Record (TAR). Respondent's conduct was likely to injure the patient in that failing to provide respiratory care and treatments as ordered by the physician could result in non-efficacious treatment, and/or created an incomplete medical record.

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9. On or about April 18, 2017, through March 24, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent failed to provide Gastrointestinal Care as ordered by the physician, including but not limited to: daily G-Tube (gastrostomy tube) feedings, cleaning the G-Tube stoma site, and flushing the G-Tube, and/or Respondent failed to document that he provided the Gastrointestinal Care in the patient's Treatment Administration Record (TAR). Respondent's conduct was likely to injure the patient in that failing to provide gastrointestinal care and treatments as ordered by the physician could result in non-efficacious treatment, and/or created an incomplete medical record.
10. On or about May 16, 2017, through March 24, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent failed to perform equipment maintenance checks and care, and/or Respondent failed to document that he performed the equipment checks and care in the patient's Equipment Maintenance Record. Respondent's conduct unnecessarily exposed the patient to a risk of harm from malfunctioning and/or improperly maintained equipment.
11. On or about June 20, 2017, October 31, 2017, January 3, 2018, and January 9, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent failed to administer multivitamins to the patient as ordered, or failed to document why he did not administer the multivitamins to the patient, in the patient's medication administration record (MAR). Respondent's conduct was likely to injure the patient in that failing to administer medications as ordered by the physician could result in non-efficacious treatment. Additionally, Respondent's conduct created an incomplete medical record.
12. On or about March 13, 2018, March 17, 2018, March 20, 2018, and March 24, 2018, while employed as a Licensed Vocational Nurse (LVN) with Special Kids Care, San Antonio, Texas, and assigned to provide nursing services/patient care for Patient XJG, Respondent falsely documented that he administered multivitamins to the patient in that the multivitamins were not available in the patient's home. Respondent's conduct was deceptive and created an inaccurate medical record.

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13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), regarding the Albuterol and Xopenex, Respondent states this is a documentation error and that at no time did the patient receive both medications at the same time. Regarding the Respiratory and Gastrointestinal Care, Respondent states the patient received trach and g-tube care as documented on the nurse's notes. Respondent states it was not typical to document trach or g-tube care on a separate TAR. Regarding the equipment maintenance checks and care, Respondent states that checks and maintenance was routinely performed while on shift with the patient. Respondent further states that any failure to document on the check-sheet was an oversight and an infrequent occurrence. Regarding the multivitamins, Respondent admits the multivitamins were not available and the MAR entry should have been circled to reflect that they were not given. Respondent further states this was an oversight that led to a documentation error. Respondent states that as a result of these errors, he took CEU courses (one hour each) in medication administration and documentation, and submitted them to his employer. Respondent adds that he never caused any harm to Patient XJG.
14. Formal Charges were filed on October 24, 2018.

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),(B),(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 168324, heretofore issued to ALAN RICHARD ASKARAN.
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.

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TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** 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 medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. 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 clinical component SHALL focus on tasks of medication administration only. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. 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.
- D. 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. 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. **Incident Reporting for Current Employer:** RESPONDENT SHALL CAUSE Special Kids Care, San Antonio, Texas, to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring

at the Board's office, for so long as RESPONDENT remains employed with Special Kids Care, San Antonio, Texas.

- D. **Indirect Supervision for Subsequent Employers:** Should Respondent's employment with Special Kids Care, San Antonio, Texas, cease, RESPONDENT SHALL be 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, **who is on the premises.** The supervising nurse 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 nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. 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.
- E. **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.

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

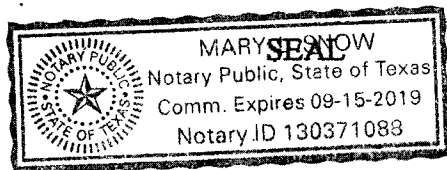
Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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.

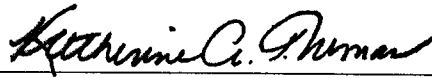
Signed this 10 day of April, 2019Alan Askaran
ALAN RICHARD ASKARAN, RespondentSworn to and subscribed before me this 4 day of April, 2019Mary Snow
Notary Public in and for the State of Texas

Approved as to form and substance.

TRT
Bertolino Law Firm, Attorney for RespondentSigned this 22 day of July, 2019April

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of April, 20 19, by ALAN RICHARD ASKARAN, Vocational Nurse License Number 168324, and said Agreed Order is final.

Effective this 14th day of May, 20 19.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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