# BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of | § | AGREED ORDER |
| Registered Nurse License Number 905808 | § | |
| issued to RAZVAN PONORAN | § | |
| | § | |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RAZVAN PONORAN, Registered Nurse License Number 905808, 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),(9)&(10), 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 21, 2020.

## 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 suspended status.

4. Respondent received a Baccalaureate Degree in Nursing from West Coast University, Dallas, Texas, on April 1, 2016. Respondent was licensed to practice professional nursing in the State of Texas on July 28, 2016.

5. Respondent's nursing employment history includes:

| | | |
|---|---|---|
| 7/2016 – 8/2018 | RN | Medical City Plano<br>Plano, Texas |

905808:275

C40esp

Respondent's nursing employment history continued:

| | | |
|---|---|---|
| 9/2018 - Unknown | RM | Baylor University Medical Center Dallas, Texas |
| Unknown – Present | Unknown | |

6. On or about March 3, 2020, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the March 3, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. At the time of the incident, Respondent was employed as a Registered Nurse with Baylor University Medical Center, Dallas, Texas, and had been in that position for one (1) year and nine (9) months.

8. On or about June 8, 2020, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on March 3, 2020. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that Respondent failed to abstain from the consumption of controlled substances. On May 29, 2020, Respondent produced a specimen for an evaluation drug screen that resulted positive for Fentanyl. Section I, Stipulation D of the Confidential Agreed Order dated March 3, 2020, states:

> "(D)    RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term…"

On or about June 8, 2020, Respondent was dismissed from TPAPN and referred back to the Board.

9. In response to Finding of Fact Number Eight (8), Respondent denies that he failed to abstain from the consumption of controlled substances.

10. Formal Charges were filed on November 24, 2020.

11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

## CONCLUSIONS OF LAW

905808:275                                                                                       C40esp

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 §217.12(1)(A),(4),(5),(9),(10)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 905808, heretofore issued to RAZVAN PONORAN.

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.

6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

## TERMS OF ORDER

I.   **SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 905808, previously issued to RAZVAN PONORAN, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars ($500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars ($350.00), if licensed as a vocational nurse;**

B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and

C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.

F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement**.

G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in.the State of Texas.

H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## 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.     SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

## 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 suspension being stayed, unless otherwise specifically indicated**:

> **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.

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.    EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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) and/or privilege(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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 08 day of 01, 2021

RAZVAN PONORAN, RESPONDENT

Sworn to and subscribed before me this 08 day of JANUARY, 2021

SEAL
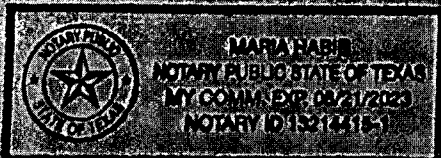
Notary Public in and for the State of TEXAS

-7-

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 8th day of January, 2021, by RAZVAN PONORAN, Registered Nurse License Number 905808, and said Agreed Order is final.

Effective this 12th day of January, 2021.

_____

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

## BEFORE THE TEXAS BOARD OF NURSING

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| | | |
|---|---|---|
| In the Matter of | § | CONFIDENTIAL |
| Registered Nurse License Number 905808 | § | AGREED ORDER |
| issued to RAZVAN PONORAN | § | FOR |
| | § | PEER ASSISTANCE |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RAZVAN PONORAN, Registered Nurse License Number 905808, 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)(9),(10),(12)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 18, 2020.

### 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 Confidential Agreed Order for Peer Assistance.

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 West Coast University, Dallas, Texas, on April 1, 2016. Respondent was licensed to practice professional nursing in the State of Texas on July 28, 2016.

5. Respondent's nursing employment history includes:

| | | |
|---|---|---|
| 7/2016 – 8/2018 | RN | Medical City Plano<br>Plano, Texas |
| 9/2018 – Present | RN | Baylor University Medical Center<br>Dallas, Texas |

6. At the time of the incident, Respondent was employed as a Registered Nurse with Medical City Plano, Plano, Texas, and had been in that position for two (2) years and one (1) month.

7. On or about July 31, 2018, while employed as a Registered Nurse with Medical City Plano, Plano, Texas, Respondent withdrew Fentanyl 100mcg amp/vial from the medication dispensing system for Patient E00991958603 but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication in that, Respondent asked a co-worker to cosign for his wasting Fentanyl 50mcg, which he had already wasted, without the co-worker witnessing the wastage. Respondent's conduct left medication unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about August 2, 2018, while employed as a Registered Nurse with Medical City Plano, Plano, Texas, Respondent engaged in the intemperate use of Oxycodone and Oxymorphone in that he produced a specimen for a for cause drug screen that resulted positive for Oxycodone and Oxymorphone. The use of Oxycodone and Oxymorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. In response to Finding of Fact Number Seven (7), Respondent denies that he diverted Fentanyl or any other controlled substance and states it was common practice to waste medications in a patient's room after administration and then later document the waste in Pyxis. In response to Finding of Fact Number Eight (8), Respondent denies he engaged in the intemperate use of Oxycodone and states he informed his supervisor he had been using prescription pain medication due to dental problems and a recent surgery.

10. On April 2, 2019, Respondent completed a chemical dependency evaluation with Jim Womack, Ph.D. Dr. Womack concludes Respondent's test results did not identify any substance use problems, mood disorders or claims of current pain.

11. Formal Charges were filed on July 2, 2019.

12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

## 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5), (10)(C)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 905808, heretofore issued to RAZVAN PONORAN.

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.

6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

## TERMS OF ORDER

I.      **PEER ASSISTANCE PROGRAM REQUIREMENTS**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

A. **Within forty-five (45) days** following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.

B. **Within ninety (90) days** following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars ($500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars ($350.00), if licensed as a vocational nurse.

C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.

E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

H. 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 Confidential Agreed Order for Peer Assistance.

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

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.

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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Confidential Agreed Order for Peer Assistance, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

## V. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

## VI. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

## VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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 have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 ___ day of _MARCH_ 20__

RAZVAN PONORAN, RESPONDENT

Sworn to and subscribed before me this _3_ day of _March_ 20 20.

SEAL
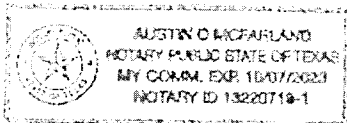
AUSTIN O MCFARLAND
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 10/07/2023
NOTARY ID 13220719-1

Notary Public in and for the State of ___

Approved as to form and substance.

Bridget Tyler, Attorney for Respondent

Signed this _3_ day of _March_ 20 20

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the

Texas Board of Nursing does hereby ratify and adopt the Confidential Agreed Order for Peer

Assistance that was signed on the 3rd day of March, 2020, by RAZVAN PONORAN, Registered

Nurse License Number 905808, and said Confidential Agreed Order for Peer Assistance is final.


Effective this 3rd day of March, 2020.

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