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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
MOHAMMADREZA FEIZI LIGHVAN,
Registered Nurse License Number 847746
& PETITIONER for Eligibility for Licensure

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AGREED ORDER
FOR
KSTAR PROGRAM &
ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 847746 and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, hereinafter referred to as the Petition, which has been processed as a Petition for Declaratory Order pursuant to 22 Tex. Admin. Code §217.5(f) and §213.30, and supporting documents filed by MOHAMMADREZA FEIZI LIGHVAN, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Section together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 14, 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order.

3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status.
4. Petitioner received an Associate Degree in Nursing from Excelsior College, Albany, New York, on September 30, 2013. Petitioner was licensed to practice professional nursing in the State of Texas on December 10, 2013. Petitioner received a Master of Science Degree in Nursing from Grand Canyon University, Phoenix, Arizona, in October 2019.

5. Petitioner's nursing employment history includes:

12/2013 – 01/2014	Unknown	
02/2014 – 02/2015	Registered Nurse	Nix and Methodist Health System San Antonio, Texas
01/2015 – Present	Registered Nurse	HealthTrust Workforce Solutions Sunrise, Florida
02/2016 – 09/2017	Registered Nurse	MedTrust Staffing San Antonio, Texas
05/2018 – 05/2020	Registered Nurse	University Health System San Antonio, Texas

6. At the time of the initial incident, Petitioner was employed as a Registered Nurse with HealthTrust Workforce Solutions, Sunrise, Florida, and had been in that position for three (3) years.
7. On or about January 22, 2018, through February 28, 2018, while employed as a Registered Nurse with HealthTrust Workforce Solutions, Sunrise, Florida, and contracted with Methodist Hospital, San Antonio, Texas, Petitioner failed to document wastage of unused medications after having withdrawn ten (10) milliliters of Hydrocodone/chlorpheniramine for Patient W152291591, one (1) vial of Lorazepam 2mg/mL for Patient W152329085, five (5) vials of Lorazepam 2mg/mL for Patient W152530804, one (1) vial of Lorazepam 2mg/mL for Patient W152703382, one (1) tablet of Tramadol 50mg for Patient W152697731, and one (1) tablet of Hydrocodone APAP 7.5/325mg for Patient W152725679 from the medication dispensing system. Petitioner's conduct resulted in incomplete medical and pharmacy records.
8. On or about January 22, 2018, through February 28, 2018, while employed as a Registered Nurse with HealthTrust Workforce Solutions, Sunrise, Florida, and contracted with Methodist Hospital, San Antonio, Texas, Petitioner failed to take precautions to prevent misappropriation of five (5) milliliters of Hydrocodone/chlorpheniramine, one (1) milligram of Lorazepam, seven and a half (7.5) milliliters of Lorazepam, one (1) milligram

of Lorazepam, twenty-five (25) milligrams of Tramadol, and one (1) tablet of Hydrocodone APAP 7.5/325mg belonging to the facility and patients thereof.

9. On or about February 11, 2020, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Petitioner failed to correctly administer a Fentanyl infusion at 5cc an hour for Patient NR, as ordered, and instead administered it at a rate of approximately 45cc an hour. Additionally, Petitioner incorrectly documented that the infusion rate was 5cc an hour. Petitioner's conduct was likely to injure the patient in that failing to administer medication as ordered by a physician could result in the patient suffering from adverse reactions. Additionally, Petitioner's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. Petitioner's conduct was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose.
10. In response to the incident in Findings of Fact Number Seven (7) and Eight (8), Respondent states that he made a documentation mistake in the two instances where he returned Norco to the Pyxis. Respondent states that in each instance, he withdrew the medication and took it to the patient's room, scanned the patient's armband, documented administration, and then the patient's changed their mind. Respondent explains that on this Intermediate Cardiac Care South (ICCS) unit, there was only a thirty (30) minute window to administer narcotics, which made it unfeasible to waste excess medication at the Pyxis or find another nurse to witness wastage. Respondent states that he was never told that he was incorrectly documenting wastage. In response to the incident in Finding of Fact Number Nine (9), Respondent states that he incorrectly documented the infusion rate at 5cc an hour when the actual infusion rate was 50cc an hour. Respondent explains that the preceding nurse who titrated the dose up to 50cc an hour had incorrectly documented the infusion rate as 5cc an hour and Respondent continued this without noticing the mistake.
11. On or about December 11, 2019, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 Tex. Admin. Code §217.5(f) and §213.30.
12. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
14. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

15. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

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. On or about December 11, 2019, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 Tex. Admin. Code §217.5(f) and §213.30.
4. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (1)(C),(4)&(6)(G).
5. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
6. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
7. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
9. 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 PETITIONER 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 PETITIONER to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that PETITIONER SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and PETITIONER SHALL:

- A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;

- B. Submit to an individualized assessment designed to evaluate PETITIONER'S nursing practice competency and to support a targeted remediation plan;
- C. Follow all requirements within the remediation plan, if any;
- D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and
- E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD PETITIONER'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of PETITIONER'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

VI. APPLICATION FOR ADVANCED PRACTICE REGISTERED NURSE LICENSURE AND PRESCRIPTIVE AUTHORITY

The petition for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is **CONDITIONALLY GRANTED** based upon successful completion of all requirements of this ORDER and payment of the required fees and

meeting all other applicable requirements. **At such time**, PETITIONER SHALL be issued the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 et seq., Texas Occupations Code, and 22 Tex. Admin. Code §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 31 day of December, 2020.

Mohammad Feizi
MOHAMMADREZA FEIZI LIGIVAN, PETITIONER

Sworn to and subscribed before me this 31 day of December, 2020.

SEAL
CHAD ANDREW WILLIAMSON
Notary Public - State of New York
No. 01W16215155
Qualified In Monroe County
My Commission Expires Dec. 21, 2021

Notary Public in and for the State of New York

Approved as to form and substance

Dan Lype, Attorney for Petitioner

Signed this 4 day of January, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of December, 2020, by MOHAMMADREZA FEIZI LIGHVAN, Registered Nurse License Number 847746 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 9th day of February, 2021.



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