

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 729968	§	
issued to ERIC ADAM MILES	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERIC ADAM MILES, Registered Nurse License Number 729968, 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),(12)&(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 June 1, 2021.

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 an Associate Degree in Nursing from El Centro College, Dallas, Texas, on May 11, 2006. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 2006.
5. Respondent's nursing employment history includes:

06/2006 – 11/2006

RN

Medical Center of McKinney
McKinney, Texas

Respondent's nursing employment history continued:

12/2006	Unknown	
01/2007 – 05/2008	RN	Lake Pointe Medical Center Rowlett, Texas
06/2008 – 07/2009	Unknown	
08/2009 – 12/2009	RN	Medical Center of Dallas Dallas, Texas
01/2010 – 02/2011	RN	Texas Health Dallas Dallas, Texas
02/2011 – 07/2011	RN	Texas Health Presbyterian Hospital Denton, Texas
08/2011 – 07/2012	Unknown	
08/2012 – 12/2013	RN	Red River Regional Hospital Bonham, Texas
01/2014	Unknown	
02/2014 – 06/2014	RN	Northeast Baptist Hospital San Antonio, Texas
07/2014	Unknown	
08/2014 – 12/2014	RN	Baylor University Medical Center Dallas, Texas
01/2015 – 04/2015	RN	Good Shepherd Medical Center Longview, Texas
05/2015 – 08/2015	RN	Life Care Hospital Fort Worth, Texas
08/2015 – 12/2015	RN	Shannon Medical Center San Angelo, Texas

Respondent's nursing employment history continued:

01/2016 – 04/2016	RN	Doctor's Hospital Dallas, Texas
04/2016 – 06/2016	RN	Texas Regional Hospital Sunnyvale, Texas
06/2016 – 07/2016	RN	Life Care Hospital Fort Worth, Texas
07/2016 – 08/2016	RN	Hill Regional Hospital Hillsboro, Texas
08/2016 – 12/2016	RN	Methodist Dallas Medical Center Dallas, Texas
12/2016 – 03/2017	RN	Christus Santa Rosa Hospital Westover Hills San Antonio, Texas
03/2017 – 05/2017	RN	Northeast Baptist Hospital San Antonio, Texas
06/2017	Unknown	
07/2017 – 10/2017	RN	East Texas Medical Center Tyler, Texas
10/2017 – 02/2018	RN	Christus Good Shepherd Medical Center Longview, Texas
03/2018	Unknown	
04/2018 – 07/2018	RN	Shannon Medical Center San Angelo, Texas
08/2018 – 11/2018	RN	Hendrick Medical Center Abilene, Texas
12/2018 – 05/2019	RN	Life Care Hospital Fort Worth, Texas

Respondent's nursing employment history continued:

06/2019 – 09/2019	Unknown	
09/2019 – 01/2020	RN	Odessa Regional Medical Center Odessa, Texas
09/2019 – 04/2020	RN	Medical Solutions, Omaha, Nebraska
01/2020 – 04/2020	RN	Crescent Medical Center Lancaster, Texas
05/2020-Present	Unknown	

6. On or about June 14, 2011, Respondent was issued the sanction of Warning with Stipulations through an Order of the Board. On or about August 19, 2013, Respondent successfully completed the terms of the Order. A copy of the June 14, 2011, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Medical Solutions, Omaha, Nebraska and had been in that position for seven (7) months.
8. On or about April 28, 2020, through April 29, 2021, while employed as a travel Registered Nurse with Medical Solutions, Omaha, Nebraska, and assigned to Cogdell Memorial Hospital, Snyder, Texas, Respondent lacked fitness to practice nursing in that he was found sleeping while on duty. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about April 28, 2020 through April 29, 2020, while employed as a travel Registered Nurse with Medical Solutions, Omaha, Nebraska, and assigned to Cogdell Memorial Hospital, Snyder, Texas, Respondent falsified his time sheet for hours he did not work. Respondent's conduct was likely to defraud and deceive the facility of money paid to the Respondent for hours not actually worked.
10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states he left the work site with permission of the house supervisor and returned within 30 minutes. Respondent states this break was reflected on his time sheet. Respondent admits he left two other nurses to cover his assigned duties when the house supervisor found him on a nearby sofa. Respondent states there were no patients present at the hospital during the time away

from his workstation. Respondent explained he worked seven (7) consecutive twelve (12) hour shifts and was taking new prescribed medications for a medical condition.

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)(T) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(E),(4),(5),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b) (10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 729968, heretofore issued to ERIC ADAM MILES.
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 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

- D. 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. 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. **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. 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. **Indirect Supervision:** 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.
- 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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, 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.

VIII. 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.

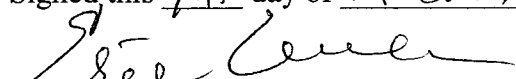
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RESPONDENT'S CERTIFICATION

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. 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.

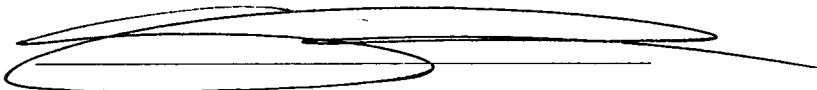
Signed this 9TH day of AUGUST, 20 21.



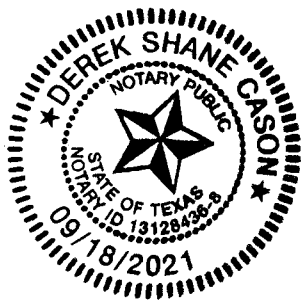
ERIC ADAM MILES, RESPONDENT

Sworn to and subscribed before me this 9th day of Aug, 20 21.

SEAL



Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of August, 2021, by ERIC ADAM MILES, Registered Nurse License Number 729968, and said Agreed Order is final.

Effective this 14th day of September, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line extending from the end.

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