



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.  
*A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §           AGREED  
License Number 253403                       §  
Issued to TIMOTHY ROSS LEE               §           ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of TIMOTHY ROSS LEE, Registered Nurse License Number 25. hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9) TEX. REV. CIV. STAT. (eff 9/1/97), and Section 301.452(b)(10), Texas Occupations Code (eff after 9/1/01). Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 25, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from El Centro College, Dallas, Texas, on May 1, 1979. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's professional nursing employment history is unknown.

6. On or about November 26, 2002, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on March 5, 2002), in the County Criminal Court No. 2 of Dallas, Texas, under Cause No. M-0244778. As a result of the conviction, Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.
7. In response to Finding of Fact No. 6, Respondent states: He retained a lawyer to dispute the allegations regarding the driving while intoxicated misdemeanor offense. No plea agreement was offered, so Respondent pleaded no contest and was convicted.
8. On or about December 19, 2006, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE INTOXICATED 2nd (a Class A Misdemeanor offense committed on March 12, 2006), in the County Criminal Court No. 8 of Dallas, Texas, under Cause No. M-0650153. As a result of the conviction Respondent was sentenced to confinement in the Dallas County Jail for a period of three hundred and sixty five (365) days; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact No. 8, Respondent states: The Board of Nursing was notified of his arrest for DWI. In 2006, the Board was notified of his no contest plea and he was instructed to call back when, and if, his probation was completed.
10. Respondent presented Staff with reference letters from his professional contacts which discussed his proficient clinical skills and his provision of quality patient care as a CRNA for the past twenty-two years. During this time Respondent has had no malpractice cases or patient complaints lodged against him or his practice.
11. Respondent was evaluated by Edgar P. Nace, MD, a board certified addiction psychiatrist in October and November of 2009. In his comprehensive report dated November 2, 2009, Dr. Nace found that Respondent did not possess a "psychiatric or substance use disorder" and that he was "fit from a psychiatric perspective to continue as a CRNA and that his commitment to his profession reflects the values and expectations of the Texas Board of Nursing."
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

## 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 violations of Article 4525(b)(9) TEX. REV. CIV. STAT. (eff 9/1/97), and Section 301.452(b)(10), Texas Occupations Code (eff after 9/1/01), and 22 TEX. ADMIN. CODE §217.12(1) (eff. until 1/31/04) and §217.12(11)(B)&(13) (eff. after 09/28/04).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 253403, heretofore issued to TIMOTHY ROSS LEE, including revocation of Respondent's license to practice professional nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty five (45) days of entry 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
*<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE

each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) Should RESPONDENT choose to work as a CRNA, RESPONDENT'S practice of professional nursing will be monitored for one (1) year by an Anesthesiologist or Certified Registered Nurse Anesthetist who has been approved by the Board. Respondent must provide a list of three (3) Anesthesiologists and/or three (3) Certified Registered Nurse Anesthetists for the Board to select. For the Anesthesiologist and/or Certified Registered Nurse Anesthetist, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3) month period for the first year of the stipulation period. Meetings may be longer and more frequent if the monitor determines necessary.

(6) For the second year of the stipulation period, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incidents, counseling, variances, unusual occurrences, and medication or other error reports involving Respondent, as well as documentation of any internal investigations regarding actions by Respondent, to the attention of Monitoring at the Board's office.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first six (6) month period, random screens shall be performed at least twice per month. For the next three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines  
Barbiturates  
Benzodiazepines

Meperidine  
Methadone  
Methaqualone

Cannabinoids  
Cocaine  
Ethanol  
tramadol hydrochloride (Ultram)

Opiates  
Phencyclidine  
Propoxyphene

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any dilute specimen submitted as a result of a random screen will be considered invalid and will require Respondent to immediately submit an additional urine sample(s). Only validated screens will be credited toward the number of screens required by this order.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

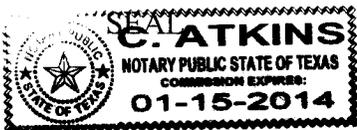
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of December 2010.



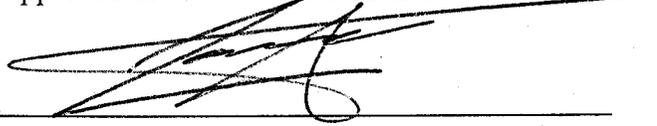
\_\_\_\_\_  
TIMOTHY ROSS LEE, Respondent

Sworn to and subscribed before me this 13<sup>th</sup> day of December, 2011.



\_\_\_\_\_  
Notary Public in and for the State of Texas

Approved as to form and substance.

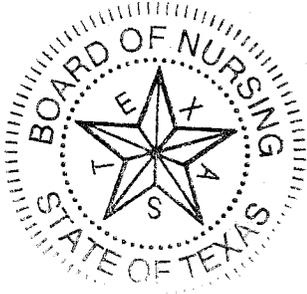


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LOUIS LEICHTER, Attorney for Respondent

Signed this 13 day of Dec, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13<sup>th</sup> day of December, 2010, by TIMOTHY ROSS LEE, Registered Nurse License Number 253403, and said Order is final.

Effective this 27<sup>th</sup> day of January, 2011.



*Katherine A. Thomas*

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