



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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 195904, issued to §
TIMOTHY DONALD NOLAN §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 195904, issued to TIMOTHY DONALD NOLAN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
- 2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
- 3. Respondent received Certificate in Vocational Nursing from the United States Army Practical Nurse Program, Fort Sam Houston, Texas, on September 17, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 19, 2004.

4. Respondent's nursing employment history includes:

2004 - 02/06	LVN/Med/Surg US Army Reserve	228th Combat Support Hospital Fort Sam Houston, Texas
02/06 - 4/5/10	LVN	Pyramed Health Services San Antonio, Texas
05/10 - Present	Unknown	

5. Formal Charges were filed on June 25, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on June 28, 2010.
7. On December 3, 2010, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, signed on November 30, 2010, is attached and incorporated herein by reference as part of this Order.

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 Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(C) and 217.12(1)(A),(B),(C),(4)&(6)(C).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 195904, heretofore issued to TIMOTHY DONALD NOLAN, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Effective this 7th day of December, 2010.



TEXAS BOARD OF NURSING

By:

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

Timothy Donald Nolan
4303 County Road 3841
San Antonio, Texas 78253
Texas LVN License #195904

Voluntary Surrender Statement

November 23, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

Timothy Nolan / Timothy Nolan

Date

30-Nov-10

Texas Nursing License Number/s

195904

The State of Texas

Before me, the undersigned authority, on this date personally appeared Timothy Donald Nolan who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 1 day of December, 2010.



A Garcia

Notary Public in and for the State of Texas

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 195904, Issued to §
TIMOTHY DONALD NOLAN, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TIMOTHY DONALD NOLAN, is a Vocational Nurse holding license number 195904, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 2009, while employed with Pyramed Health Services, San Antonio, Texas, Respondent physically abused Patient Medical Record Number A2008085 in that Respondent was observed on a video recording hitting the patient on the chest, face, and side of the head, shaking the patient forcefully by the arm, hitting him on the face with a diaper and then forcefully restraining the patient's arms with his hands while changing his diaper. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing physical, emotional and/or psychological harm.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(B) and 217.12(1)(A),(B),(4)&(6)(C).

CHARGE II.

On or about November 2009, while employed with Pyramed Health Services, San Antonio, Texas, Respondent was observed on a video recording using a blanket to restrain Patient Medical Record Number A2008085's arms without a physician's order. Respondent's conduct was likely to injure the patient in that the use of restraints without a physician's order exposed the patient unnecessarily to a risk of experiencing physical, emotional and/or psychological harm.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(C) and 217.12(1)(A),(4)&(6)(C).

CHARGE III.

On or about January 31, 2010, while employed with Pyramed Health Services, San Antonio, Texas, Respondent used excessive force when performing passive range of motion exercises (PROM) on Patient Medical Record Number A2008085 which resulted in the patient suffering a fractured femur that required hospitalization. Respondent's conduct exposed the patient unnecessarily to a risk of harm from pain and injury due to the improper technique used while performing passive range of motion exercises and from clinical complications associated with the bone fracture.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(C) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(C).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

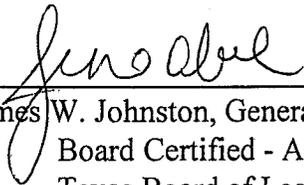
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 25th day of June, 2010.

TEXAS BOARD OF NURSING


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