

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 183357 & 709677
ISSUED TO
ALAN ANTHONY POOSER

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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.
Patricia R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Alan Anthony Pooser
21215 Villa Valencia
San Antonio, Texas 78258

During open meeting held in Austin, Texas, on December 14, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

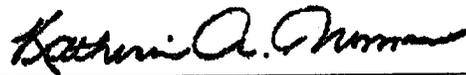
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Numbers 183357 & 709677, previously issued to ALAN ANTHONY POOSER, to practice vocational and professional nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 14th day of December, 2010.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Vocational Nurse License § **BEFORE THE TEXAS**
Number 183357, and Registered Nurse §
License Number 709677, Issued to §
ALAN ANTHONY POOSER, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALAN ANTHONY POOSER, is a Vocational Nurse holding license number 183357, which is in delinquent status at the time of this pleading, and a Registered Nurse holding license number 709677, which is in delinquent 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 April 11, 2009, Respondent failed to comply with the Agreed Order issued to him on April 10, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration....The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course....

A copy of the April 10, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about April 11, 2009, Respondent failed to comply with the Agreed Order issued to him on April 10, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about April 11, 2009, Respondent failed to comply with the Agreed Order issued to him on April 10, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills,"...

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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. 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).

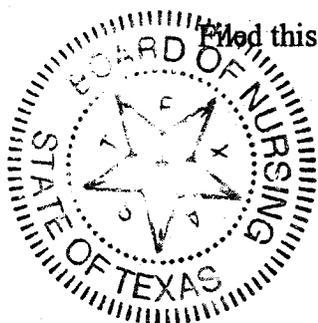
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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.

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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 10, 2008.



Filed this 11th day of June, 2010.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
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Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated April 10, 2008.
0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 709677 § AGREED
and Vocational Nurse License Number 183357 §
issued to ALAN ANTHONY POOSER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALAN ANTHONY POOSER, Registered Nurse License Number 709677 and Vocational Nurse License Number 183357, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on February 24, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice both professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Austin Community College, Fredericksburg, Texas, on December 15, 2001, and received an Associate Degree in Nursing from Austin Community College, Fredericksburg, Texas, on August 9, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on January 31, 2002, and was licensed to practice professional nursing in the State of Texas on September 7, 2004.

5. Respondent's nursing employment history includes:

1/02 - 10/02	LVN - Staff Nurse Telemetry	Hill Country Memorial Hospital Fredericksburg, Texas
8/02 - 11/02	LVN - Staff Nurse	Maxim Healthcare Services Austin, Texas
12/02 - 5/03	LVN - Agency	All About Staffing Austin, Texas
6/03 - 1/04	LVN - Staff Nurse	St. David's Medical Center Austin, Texas
2/04 - 6/06	LVN/RN - Staff Nurse Emergency Department	Fort Duncan Regional Medical Center Eagle Pass, Texas
7/06 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Emergency Department with Fort Duncan Regional Medical Center, Eagle Pass, Texas, and had been in this position for two (2) years and four (4) months.
7. On or about June 5, 2006, while employed as a Staff Nurse in the Emergency Department with Fort Duncan Regional Medical Center, Eagle Pass, Texas, Respondent failed to accurately and completely assess, evaluate, intervene and/or document an assessment in the medical record for Patient Medical Record Number 159399, an eighty-nine (89) year-old admitted to the Emergency Department complaining of chest pain. This patient had a history of unstable angina, uncontrolled hypertension and end-stage Chronic Obstructive Pulmonary Disease (COPD). Although Respondent contacted the patient's primary care physician and received orders, he had failed to report the patient's sustained elevated blood pressure to the Emergency Room physician. Respondent's conduct was likely to injure the patient from clinical care decisions formulated based on incomplete assessment information and, in addition, resulted in an incomplete, inaccurate medical record.
8. On or about June 5, 2006, while employed as a Staff Nurse in the Emergency Department with Fort Duncan Regional Medical Center, Eagle Pass, Texas, Respondent failed to administer and/ or document the administration of medications to Patient Medical Record Number 159399, including but not limited to, Lasix 40 mg intravenous push, as ordered. Respondent's conduct delayed medical interventions required to stabilize the patient.

9. On or about June 5, 2006, while employed as a Staff Nurse in the Emergency Department with Fort Duncan Regional Medical Center, Eagle Pass, Texas, Respondent incorrectly transcribed the physician's order in Patient Medical Record Number 159399's medical record as "Intravenous (IV) Nitroglycerin 5 mcg/hour" instead of "IV Nitroglycerin 5 mcg/minute." Respondent's conduct resulted in an inaccurate, incomplete medical record and was likely to injure the patient in that subsequent care givers would rely on his documentation to provide further patient care.

10. In response to the incidents in Findings of Fact Numbers Seven (7), Eight (8), and Nine (9), Respondent admits to incomplete documentation; however, he denies the other allegations and states that he assessed the patient and obtained vital signs and an electrocardiogram (EKG). According to Respondent, the Emergency Room physician was notified of the patient's elevated blood pressure, reviewed the patient's EKG, and then informed Respondent that the EKG showed no acute problems and that the patient's primary care physician should be notified. Respondent explains that he contacted the primary care physician and received the Nitroglycerin titration order. Respondent states that the patient was continuously assessed during this time because of the potential for harm if the blood pressure dropped too rapidly, and states that at approximately 02:30, he informed the Emergency Room physician of the Nitroglycerin order and the patient's continued elevated blood pressure but that the Emergency Room physician did not give any new orders. Respondent then informed the Charge Nurse and House Supervisor of the continued elevation of the blood pressure, and Respondent states that the House Supervisor told him to write an order for Lasix "because that is what Dr. Zamora (the patient's primary physician) would order anyway, and the doctor would sign off on it in the morning." Respondent explains that he refused to write the order, then left the area to prepare the patient for transfer to ICU. The House Supervisor wrote the order for Lasix and documented 03:50 as the time that the order was transcribed. Respondent goes on to explain that he was unaware of this order until he arrived in the ICU with the patient at 04:31, and states that he feels the House Supervisor wrote the order without contacting the physician. Respondent admits partial fault for failing to clarify the Nitroglycerin drip order, and also admits that he added the "5 mcg/hr" to the order after he hung up with the physician; however, Respondent adds that the correct dose of "5 mcg/min" was actually administered.

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),(1)(C),(1)(D),

- (1)(M),(1)(P)&(3)(A) and 217.12(1)(B),(1)(C)&(4).
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 709677 and Vocational Nurse License Number 183357, heretofore issued to ALAN ANTHONY POOSER, including revocation of Respondent's licenses to practice 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 REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to ALAN ANTHONY POOSER to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(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) contact 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 Chemical Dependency, 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights

of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/disciplinary.action>.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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/disciplinary.action>.*

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the

continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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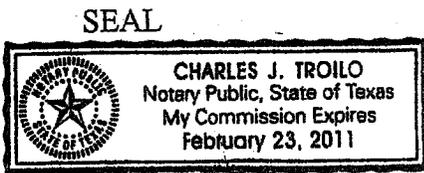
RESPONDENT'S CERTIFICATION

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 when this Order becomes final and the terms of this Order become effective, 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of April, 2008.

[Signature]
ALAN ANTHONY POOSER, Respondent

Sworn to and subscribed before me this 2 day of April, 2008.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
Charles Cantrell, Attorney for Respondent

Signed this 2 day of April, 2008.

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 2nd day of April, 2008, by ALAN ANTHONY POOSER, Registered Nurse License Number 709677 and Vocational Nurse License Number 183357, and said Order is final.

Effective this 10th day of April, 2008.

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



Re: Permanent Certificate Numbers 183357 & 709677
Issued to ALAN ANTHONY POOSER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 20 10, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Alan Anthony Pooser
21215 Villa Valencia
San Antonio, Texas 78258

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD