

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 601768
MICHAEL HSMEYER PANTURAD

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BEFORE 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.
Katherine A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Michael Hsmeyer Panturad
c/o Taralynn R. Mackay
P.O. Box 1137
Elgin, Tx 78621

On this day, the Texas Board of Nursing, hereinafter referred to as the "Board", considered Staff's Motion for Rehearing filed in the above-styled matter. An Agreed Order was ratified on January 22, 2015, for Michael Hsmeyer Panturad. However, the Order contained the incorrect supervisory stipulations. Staff filed a Motion for Rehearing and, after review and due consideration of the filed Motion, the Executive Director of the Board GRANTS Staff's Motion for Rehearing.

The Agreed Order issued on January 22, 2015, is hereby set aside in its entirety.

Entered this 11th day of February, 2015.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

6. On or about July 22, 2010, Respondent was issued the sanction of WARNING WITH STIPULATIONS by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 22, 2010, is attached and incorporated, by reference, as part of this Order.
7. On or about June 5, 2013, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense committed on September 8, 2012, in the County Court at Law no. 1 of Randall County, Texas, under Cause No. 12-0648-1. As a result of the conviction, Respondent was sentenced to confinement in the Randall County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.
8. On or about August 5, 2014, Respondent underwent a forensic psychiatric evaluation, with chemical dependency component, with Jim Womack, Ph.D. Mr. Womack's opinion that ~~Respondent does not currently have any type of alcohol or drug use problems.~~ Therefore it is opined he could perform his duties as a nurse with reasonable skill and safety to his patients. The fact that there has been no recent evidence of alcohol abuse supports that he is not in need of treatment and thus not a risk to his patients.
9. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 601768, heretofore issued to MICHAEL HSMEYER PANTURAD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state ~~without first obtaining the written permission~~ of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. 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 entry of this Order, unless otherwise specifically indicated:**

- A. **A 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 courses 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.*

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed 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. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 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 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:** For the first year [four (4) quarters] of employment as a Nurse under this Order, 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 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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse 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.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all 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 a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. 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/probation period.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

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.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

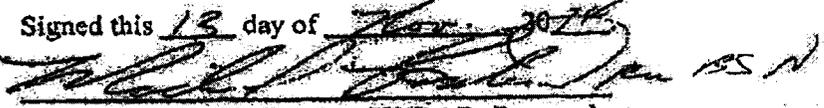
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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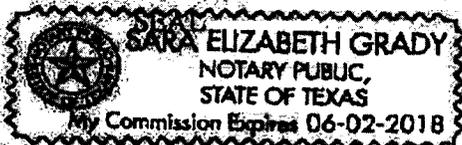
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RESPONDENT'S CERTIFICATION

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 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 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of November, 2014

 MICHAEL HSMEYER PANTURAD, Respondent

Sworn to and subscribed before me this 13th day of NOVEMBER, 2014.




 Notary Public in and for the State of TX

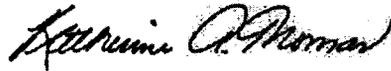
Approved as to form and substance.


 Taralynn R. Mackay, Attorney for Respondent

Signed this 18th day of November, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of November, 2014, by MICHAEL HSMEYER PANTURAD, Registered Nurse License Number 601768, and said Order is final.

Effective this 22nd day of January, 2015.



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

Respondent's professional nursing employment history (continued):

05/96 - 07/99	Flight Nurse	Coon Air Ambulance Amarillo, TX
02/97 - 07/99	RN	Texas Tech Health & Science Center Amarillo, TX
08/99 - 01/08	RN	Baptist St. Anthony's Health System Amarillo, TX
02/08 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas, and had been in this position for approximately eight (8) years and four (4) months.
7. On or about November 30, 2007, through December 10, 2007, while employed as a Registered Nurse at Baptist St. Anthony's Health System, Amarillo, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Accudose) for patients without a valid physician's order, as follows:

Date	Patient Medical Record No.	Physician's Order	Medication Dispensing System Record (Accudose) Quantity and Time	Medication Administration Record (MAR)	Wastage
11/30/07	544823	None	(1) Hydromorphone 2mg/1ml Syringe @ 05:43	None	None
12/01/07	945913	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:22	Not documented as administered	None
12/04/07	755314	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:04	Not documented as administered	None
12/06/07	922813	None	(1) Hydromorphone 2mg/1ml Syringe @ 06:32	Dilaudid 1mg IV @ 00:12	None
12/09/07	951379	None	(1) Hydromorphone 2mg/1ml Syringe @ 06:43	Dilaudid 1mg IV @ 04:30	None
12/10/07	934867	None	(1) Hydromorphone 2mg/1ml Syringe @ 21:34	Not documented as administered	None

Respondent's conduct was likely to injure the patient in that the administration of narcotics in excess of, or without physicians' orders, could result in the patient suffering from adverse reactions.

8. On or about November 30, 2007, through December 9, 2007, while employed as a Registered Nurse at Baptist St. Anthony's Health System, Amarillo, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Accudose) for patients in excess frequency/dosage of physicians' orders, as follows:

Date	Patient Medical Record No.	Physician's Order	Medication Dispensing System Record (Accudose) Quantity and Time	Medication Administration Record (MAR)	Wastage
11/30/07	544823	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 04:45	Dilaudid 1mg IV @ 04:30	None
11/30/07	544823	None	(1) Hydromorphone 2mg/1ml Syringe @ 05:43	None	None
12/01/07	945913	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 00:50	Dilaudid 1mg IV @ 01:05	None
12/01/07	945913	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:22	Not documented as administered	None
12/07/07	755314	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 21:28	Dilaudid 1mg IV @ 20:30	None
12/08/07	755314	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:04	Not documented as administered	None
12/08/07	922813	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:46	Dilaudid 1mg IV @ 22:51	None
12/08/07	922813	None	(1) Hydromorphone 2mg/1ml Syringe @ 00:32	Dilaudid 1mg IV @ 00:12	None
12/09/07	951379	None	(1) Hydromorphone 2mg/1ml Syringe @ 06:43	Dilaudid 1mg IV @ 04:30	None

* Verbal Order

Respondent's conduct was likely to injure the patient in that the administration of narcotics in excess frequency/dosage of the physicians' orders could result in the patient suffering from adverse reactions.

9. On or about November 30, 2007, through December 10, 2007, while employed as a Registered Nurse at Baptist St. Anthony's Health System, Amarillo, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Accudose) for patients, but failed to document, or accurately document the administration of the medications in the medical records for the patients, as follows:

Date	Patient Medical Record No.	Physician's Order	Medication Dispensing System Record (Accudose) Quantity and Time	Medication Administration Record (MAR)	Wastage
11/30/07	544823	None	(1) Hydromorphone 2mg/1ml Syringe @ 05:43	None	None
11/30/07	950946	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:16	Not documented as administered	1.5mg @ 23:09

12/01/07	608001	Dilaudid 1mg IVP	(1) Hydromorphone 2mg/1ml Syringe @ 00:30	Not documented as administered	1mg @ 23:09
12/01/07	945913	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:22	Not documented as administered	None
12/06/07	768624	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:10	Not documented as administered	None
12/08/07	755314	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:04	Not documented as administered	None
12/10/07	934867	None	(1) Hydromorphone 2mg/1ml Syringe @ 21:34	Not documented as administered	None

* Verbal Order

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.

10. In response to Findings of Fact Number Seven (7), Eight (8), and Nine (9), Respondent states there are several nurses who could testify that the time from the Accudose system would vary from the clock in the Emergency Room. Additionally, Respondent states that several nurses could testify that occasionally, the nurses would not be able to waste medications under a specific patient's name in the Accudose system because the patient's name may have been already removed from the system. Furthermore, Respondent states there were problems with the Accudose system in that it would not accurately show when a patient was admitted or discharged.
11. On or about November 29, 2007, through January 15, 2008, while employed as a Registered Nurse at Baptist St. Anthony's Health System, Amarillo, Texas, Respondent withdrew narcotics from the Medication Dispensing System (Accudose) for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications/narcotics, as follows:

Date	Patient Medical Record No.	Physician's Order	Medication Dispensing System Record (Accudose) Quantity and Time	Medication Administration Record (MAR)	Wastage
11/29/07	404051	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:28	Dilaudid 0.5mg IV @ 19:50	None
11/30/07	544823	Dilaudid 1mg IV.	(1) Hydromorphone 2mg/1ml Syringe @ 04:45	Dilaudid 1mg IV @ 04:30	None
11/30/07	544823	None	(1) Hydromorphone 2mg/1ml Syringe @ 05:43	None	None
12/01/07	728961	Dilaudid 1mg IV (May repeat)	(1) Hydromorphone 2mg/1ml Syringe @ 20:51	Dilaudid 1mg IV @ 20:51	None
12/01/07	728961	Dilaudid 1mg IV (May repeat) *	(1) Hydromorphone 2mg/1ml Syringe @ 21:14	Dilaudid 1mg IV @ 22:30	None
12/01/07	364653	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 23:30	Dilaudid 0.5mg @ 22:11	None

12/01/07	945913	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 00:30	Dilaudid 1mg IV @ 01:05	None
12/01/07	945913	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:22	Not documented as administered	None
12/06/07	768624	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:10	Not documented as administered	None
12/07/07	747698	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 05:51	Dilaudid 1mg IV @ 03:01	None
12/07/07	755314	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 21:28	Dilaudid 1mg IV @ 20:30	None
12/07/07	946696	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:39	Dilaudid 1mg IV @ 21:39	None
12/08/07	755314	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:04	Not documented as administered	None
12/08/07	908440	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:19	Dilaudid 0.5mg @ (not legible)	None
12/08/07	922813	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:46	Dilaudid 1mg IV @ 22:51	None
12/08/07	922813	None	(1) Hydromorphone 2mg/1ml Syringe @ 00:32	Dilaudid 1mg IV @ 00:12	None
12/09/07	951379	None	(1) Hydromorphone 2mg/1ml Syringe @ 06:43	Dilaudid 1mg IV @ 04:30	None
12/10/07	934867	None	(1) Hydromorphone 2mg/1ml Syringe @ 21:54	Not documented as administered	None
12/11/07	613083	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:19	Dilaudid 1mg IV @ 20:30	None
12/15/07	896595	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:22	Dilaudid 1mg IV @ 19:00	None
12/22/07	942565	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:28	Dilaudid 1mg IV @ 21:30	None
12/25/07	905628	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 01:55	Dilaudid 0.5mg @ 01:00	None
01/10/08	884589	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:11	Dilaudid 0.5mg IV @ 19:00	None
01/10/08	487357	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 23:46	Dilaudid 1mg IV @ 22:40	None
01/12/08	716413	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:22	Dilaudid 0.5mg IV @ 19:10	None
01/13/08	818294	Dilaudid 0.5mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 06:52	Dilaudid 0.5mg IV @ 06:50	None
01/13/08	587056	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:30	Dilaudid 1mg IV @ 21:30	None
01/15/08	901248	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:07	Dilaudid 1mg IV @ 19:35	None

01/15/08	751108	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 20:53	Dilaudid 1mg IV @ 19:50	None
01/15/08	795006	Dilaudid 1mg IV (May repeat once)	(1) Hydromorphone 2mg/1ml Syringe @ 22:59	Dilaudid 1mg IV @ 23:02	None
01/15/08	889830	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 03:03	Dilaudid 1mg IV @ 00:00	None
01/15/08	795006	Dilaudid 1mg IV (May repeat once)	(1) Hydromorphone 2mg/1ml Syringe @ 06:39	Dilaudid 1mg IV @ 00:00	None

* Verbal Order

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

12. In response to Finding of Fact Number Eleven (11), Respondent states that it was not always possible to have someone present when he was ready to waste a narcotic because of the staffing levels and the amount of work that needed to be done. Respondent states that he tried to do what was required and still meet the requirements for wastage.
13. On or about November 29, 2007, through January 15, 2008, while employed as a Registered Nurse at Baptist St. Anthony's Health System, Amarillo, Texas, Respondent misappropriated or failed to take appropriate precautions to prevent the misappropriation of narcotics from the facility and patients thereof, as follows:

Date	Patient Medical Record No.	Physician's Order	Medication Dispensing System Record (Acudose) Quantity and Time	Medication Administration Record (MAR)	Wastage
11/29/07	404051	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:28	Dilaudid 0.5mg IV @ 19:50	None
11/30/07	544823	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 04:45	Dilaudid 1mg IV @ 04:30	None
11/30/07	544823	None	(1) Hydromorphone 2mg/1ml Syringe @ 05:43	None	None
12/01/07	728961	Dilaudid 1mg IV (May repeat)	(1) Hydromorphone 2mg/1ml Syringe @ 20:51	Dilaudid 1mg IV @ 20:51	None
12/01/07	728961	Dilaudid 1mg IV (May repeat) *	(1) Hydromorphone 2mg/1ml Syringe @ 21:14	Dilaudid 1mg IV @ 22:30	None
12/01/07	364653	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 23:30	Dilaudid 0.5mg @ 22:11	None
12/01/07	945913	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 00:50	Dilaudid 1mg IV @ 01:05	None
12/01/07	945913	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:22	Not documented as administered	None

12/06/07	768624	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:10	Not documented as administered	None
12/07/07	747698	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 05:51	Dilaudid 1mg IV @ 03:01	None
12/07/07	755314	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 21:28	Dilaudid 1mg IV @ 20:30	None
12/07/07	946696	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:39	Dilaudid 1mg IV @ 21:39	None
12/08/07	755314	None	(1) Hydromorphone 2mg/1ml Syringe @ 02:04	Not documented as administered	None
12/08/07	908440	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:19	Dilaudid 0.5mg @ (not legible)	None
12/08/07	922813	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 22:46	Dilaudid 1mg IV @ 22:51	None
12/08/07	922813	None	(1) Hydromorphone 2mg/1ml Syringe @ 00:32	Dilaudid 1mg IV @ 00:12	None
12/09/07	951379	None	(1) Hydromorphone 2mg/1ml Syringe @ 06:43	Dilaudid 1mg IV @ 04:30	None
12/10/07	934867	None	(1) Hydromorphone 2mg/1ml Syringe @ 21:34	Not documented as administered	None
12/11/07	613083	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:19	Dilaudid 1mg IV @ 20:30	None
12/15/07	890995	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:22	Dilaudid 1mg IV @ 19:00	None
12/22/07	942565	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:28	Dilaudid 1mg IV @ 21:30	None
12/23/07	905628	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 01:35	Dilaudid 0.5mg @ 01:00	None
01/10/08	884589	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:11	Dilaudid 0.5mg IV @ 19:00	None
01/10/08	487357	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 23:46	Dilaudid 1mg IV @ 22:40	None
01/12/08	716413	Dilaudid 0.5mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:22	Dilaudid 0.5mg IV @ 19:10	None
01/13/08	818294	Dilaudid 0.5mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 06:52	Dilaudid 0.5mg IV @ 06:50	None
01/13/08	587056	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 21:30	Dilaudid 1mg IV @ 21:20	None
01/15/08	901248	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 19:07	Dilaudid 1mg IV @ 19:35	None
01/15/08	751108	Dilaudid 1mg IV *	(1) Hydromorphone 2mg/1ml Syringe @ 20:53	Dilaudid 1mg IV @ 19:50	None
01/15/08	795006	Dilaudid 1mg IV (May repeat once)	(1) Hydromorphone 2mg/1ml Syringe @ 22:59	Dilaudid 1mg IV @ 23:02	None

01/15/08	889830	Dilaudid 1mg IV	(1) Hydromorphone 2mg/1ml Syringe @ 03:03	Dilaudid 1mg IV @ 00:00	None
01/15/08	795006	Dilaudid 1mg IV (May repeat once)	(1) Hydromorphone 2mg/1ml Syringe @ 06:39	Dilaudid 1mg IV @ 00:00	None

* Verbal Order

Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

14. In response to Finding of Fact Number Thirteen (13), Respondent states that he submitted a specimen for a drug screen on January 16, 2008, which yielded negative results.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C)&(D), and 217.12(1)(A)&(B),(4),(6)(G),(10)(C)and(11)(B).
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 601768, heretofore issued to MICHAEL HSMEYER PANTURAD, 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 nurse licensure compact 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 deliver the wallet-sized license issued to MICHAEL HSMBYER PANTURAD, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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>

(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. The didactic portion of this course shall be a minimum of sixty-four (64) hours in length and the course shall include a minimum of forty-eight (48) hours in clinical practice 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/disciplinaryaction/stipscourses.html>

(4) 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://ncsbn.hiveline.com/hives/a0f6f3e8a0/summary>*

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 ONE YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations conditions 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.

(6) 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.

(7) RESPONDENT SHALL be supervised by a Registered 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 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.

(8) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) 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.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period,

random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. 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	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

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 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 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 to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

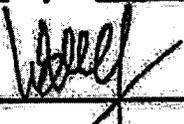
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 4 day of May, 2010.

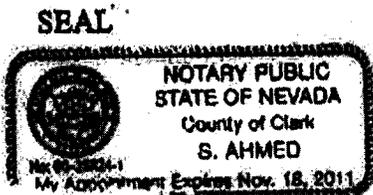


MICHAEL HSMEYER PANTURAD, Respondent

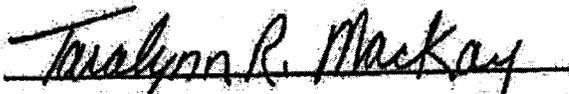
Sworn to and subscribed before me this 04th day of May, 2010.



Notary Public in and for the State of Nevada



Approved as to form and substance.



TARALYNN MACKAY, Attorney for Respondent

Signed this 3rd day of June, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of May, 2010, by MICHAEL HSMEYER PANTURAD, Registered Nurse License Number 601768, and said Order is final.

Effective this 2nd day of July, 2010.



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