

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

IN THE MATTER OF  
REGISTERED NURSE  
LICENSE NUMBER 777109  
ISSUED TO DAVID SANFORD POSEY

§ BEFORE THE TEXAS  
§  
§  
§ BOARD OF NURSING

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: David Sanford Posey  
9550 Meyer Forest Drive, #1746  
Houston, TX 77096

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Order of the Board was mistakenly ratified and entered for David Sanford Posey. The Order, which was heard and ratified by the Board on August 17, 2010, contains a typographical error on page 3 of the Order regarding stipulation number 2. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein, invalidates the Order of the Board for David Sanford Posey that is dated August 17, 2010, and submits and enters the corrected Order of the Board, with the effective date of August 17, 2010. The corrected Order removes the phrase "entry of this Order" from stipulation number 2 on page 3 of the Order so that the Order correctly reflects the phrase "the suspension being stayed". No other changes to the Order have been made. Mr. Posey received due process regarding his nursing license; therefore, his rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective August 17, 2010.

Entered this 31st day of August, 2010.

TEXAS BOARD OF NURSING

*Katherine A. Thomas*

BY:

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §     AGREED  
License Number 777109                       §  
issued to DAVID SANFORD POSEY           §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAVID SANFORD POSEY, Registered License Number 777109, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 29, 2010, 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(s).
2. Respondent waived representation by counsel, 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 Northwest Shoals Community College, Alabama on May 31, 1995. Respondent was licensed to practice professional nursing in the State of Texas on November 2, 2009.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about March 19, 2010, while holding a license as a professional nurse in the State of Texas, Respondent received a Consent Order, ABN Case No. 2009-1266, from the Alabama Board of Nursing wherein his license to practice professional nursing, 1-076210, in the State of Alabama was placed on Probation for one (1) year with stipulations. A copy of the March 19, 2010 Consent Order, Order, Findings of Fact and Conclusions of Law issued by the Alabama Board of Nursing is attached and incorporated, by reference, as part of this Finding.

#### 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)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 777109, heretofore issued to DAVID SANFORD POSEY, including revocation of Respondent's license(s) 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 Registered Nurse License Number 777109, previously issued to DAVID SANFORD POSEY, to practice professional nursing in Texas is hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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 the 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.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 PROBATIONARY PERIOD:

(3) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to DAVID SANFORD POSEY on March 19, 2010, by the Alabama Board of Nursing. RESPONDENT SHALL CAUSE the Alabama Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, that DAVID SANFORD POSEY is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Alabama Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the Alabama State Board of Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the

allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that 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 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of July, 2010.

David Sanford Posey  
DAVID SANFORD POSEY, Respondent

Sworn to and subscribed before me this 12 day of July, 2010.

SEAL

Gene Frank Carter Jr.  
Notary Public in and for the State of Alabama

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of July, 2010, by DAVID SANFORD POSEY, Registered License Number 777109, and said Order is final.

Effective this 17<sup>th</sup> day of August, 2010.



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





# ALABAMA BOARD OF NURSING

RSA PLAZA, STE 250  
770 WASHINGTON AVE  
MONTGOMERY, AL 36104

N. GENELL LEE, MSN, RN, JD  
EXECUTIVE OFFICER

MAILING ADDRESS:  
P.O. Box 303900  
MONTGOMERY, AL 36130-3900

(334) 242-4060  
1-800-656-5318  
FAX (334) 242-4360

WWW.ABN.STATE.AL.US

## BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA )

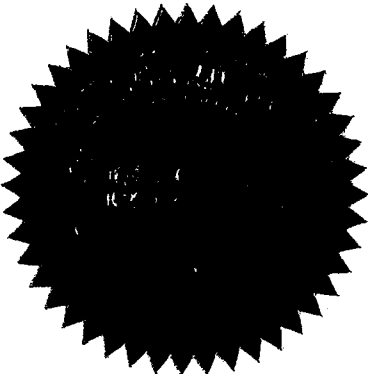
MONTGOMERY COUNTY )

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to **DAVID SANFORD POSEY** as it appears of record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery, County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

**WITNESS** my hand and seal of the Alabama Board of Nursing on this 1<sup>st</sup> day of April 2010.

ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER



BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF: )

DAVID SANFORD POSEY )

LICENSE NO. 1-076210 )

Respondent )

ABN CASE NO. 2009-1266

CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that DAVID SANFORD POSEY, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On July 14, 1995, Respondent was licensed by the Alabama Board of Nursing as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein. Respondent is currently licensed through December 31, 2010.

II.

On August 11, 2009, Respondent tested positive for marijuana (GC/MS confirmed) on a pre-employment urine drug screen at Parkway Medical Center, Decatur, Alabama.

## CONCLUSIONS OF LAW

1. Respondent's conduct as described in Paragraph ii of the Findings of Fact demonstrates that Respondent engaged in personal use of unauthorized or illegal drugs or substances in violation of the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(v). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.
2. The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a Registered Nurse in the State of Alabama pursuant to the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8-.03.

## ORDER

Respondent's Alabama Registered Nurse License, No. 1-076210, is hereby placed on **PROBATION** for a period of **TWELVE (12) MONTHS** pursuant to the following terms and conditions:

1. Return of Wallet ID Card

Respondent's wallet ID card shall be immediately returned to the Alabama Board of Nursing office in order to have it indicate probationary status.

2. **Fine**

Respondent shall pay a fine in the amount of \$300. This fine must be paid within thirty (30) days of the effective date of this Order. Respondent understands that failure to pay the fine is cause for additional disciplinary action by the Board of Nursing.

3. Education – Completion of Course

Respondent shall satisfactorily complete a Board-approved course/program on chemical dependency and provide documentation of completion to the Board. This course must be satisfactorily completed within three (3) months of the effective date of this Order.

4. **Primary Physician – Drug Use Exception**

The Respondent will have only one primary physician/group during the period of this Order. The primary physician must refer to any other physician, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by the Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within ten (10) days of the effective date of this Order and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

5. **Dentist – Drug Use Exception**

The Respondent will have only one dentist during the period of this Order. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by the Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Order. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a

Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

6. **Abstain from Alcohol Use**

Respondent shall abstain completely from the use of any substance containing alcohol.

7. **Abstain from Drug Use**

Respondent shall abstain completely from the non-prescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription (legend) except as provided for in this Order.

8. **Drug Screening**

Respondent shall participate as directed in a Board-acceptable program for random drug testing. The drug screen will be a Board-approved drug screen and may include additional chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at anytime require the Respondent to undergo additional drug screening of a type specified by the Board, including hair testing, to ensure that the Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Order and such will be cause for dismissal from this program and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which

is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Order. This is required regardless of whether Respondent is employed in nursing.

9. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent, but should be on site and readily available to provide assistance and intervention in the event the Respondent appears impaired or otherwise unable to safely practice. The Respondent shall work only regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. The Respondent shall not be self-employed or contract for services.

10. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency.

11. **Employment-Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

12. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

13. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor for the period of this Order.

14. **Employment - Evaluation of Performance**

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

15. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

16. **Not Employed in Nursing**

Periods of time in which Respondent is not employed as a practicing nurse shall be excluded from computation of time to be served on probation, unless determined otherwise by the Board of Nursing or its designee. Employment in fields other than nursing does not relieve Respondent from compliance with all other terms and conditions of this Order.

17. **Alabama Licensure Status**

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire during probation, such would be grounds for disciplinary action. This provision includes obtaining continuing education contact hours as required for licensure.

18. **Notification of Board**

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the

Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, the Respondent shall immediately report such to the Board.

19. Change of Address

Respondent shall immediately notify the Board in writing of any changes of address.

20. Relocation

The Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

21. Personal Interview

Respondent shall appear in person for an interview at the request of the Board or Board designee.

22. Obey the Laws

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

23. Release of Records and Information

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This



includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding non-compliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

24. **Violation**

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

25. **Subsequent Practice Act Violation**

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

26. **Fraudulent Acts During Period of Order**

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

27. **Termination of Order**

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

28. **Public Information**

This Order is public information and can be disseminated. All disciplinary actions of the Board will be reported to all required data banks.

29. **Effective Date**

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

30. **Final Order**

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED on this the 12<sup>th</sup> day of February 2010.

  
DAVID SANFORD POSEY

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 19<sup>th</sup>  
day of March 2010.

  
N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER  
ALABAMA BOARD OF NURSING

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §     AGREED  
License Number 777109                       §  
issued to DAVID SANFORD POSEY           §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAVID SANFORD POSEY, Registered License Number 777109, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 29, 2010, 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(s).
2. Respondent waived representation by counsel, 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 Northwest Shoals Community College, Alabama on May 31, 1995. Respondent was licensed to practice professional nursing in the State of Texas on November 2, 2009.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about March 19, 2010, while holding a license as a professional nurse in the State of Texas, Respondent received a Consent Order, ABN Case No. 2009-1266, from the Alabama Board of Nursing wherein his license to practice professional nursing, 1-076210, in the State of Alabama was placed on Probation for one (1) year with stipulations. A copy of the March 19, 2010 Consent Order, Order, Findings of Fact and Conclusions of Law issued by the Alabama Board of Nursing is attached and incorporated, by reference, as part of this Finding.

#### 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)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 777109, heretofore issued to DAVID SANFORD POSEY, including revocation of Respondent's license(s) 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 Registered Nurse License Number 777109, previously issued to DAVID SANFORD POSEY, to practice professional nursing in Texas is hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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 the 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.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, the suspension being stayed, 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 PROBATIONARY PERIOD:**

(3) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to DAVID SANFORD POSEY on March 19, 2010, by the Alabama Board of Nursing. RESPONDENT SHALL CAUSE the Alabama Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, that DAVID SANFORD POSEY is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Alabama Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the Alabama State Board of Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the

allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that 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 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of July, 2010.

David Sanford Posey  
DAVID SANFORD POSEY, Respondent

Sworn to and subscribed before me this 12 day of July, 2010.

SEAL

James Frank Carter Jr.  
Notary Public in and for the State of Alabama



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of July, 2010, by DAVID SANFORD POSEY, Registered License Number 777109, and said Order is final.

Effective this 17<sup>th</sup> day of August, 2010.



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