

IN THE MATTER OF §
VOCATIONAL NURSE NUMBER 127517§
AND REGISTERED NURSE LICENSE §
NUMBER 700217 ISSUED TO §
RICHARD ANTHONY SPERIER §

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 P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Richard Anthony Sperier
3000 Poplar, Lot #6
Marshall, TX 75672

During open meeting held in Austin, Texas, on Tuesday, February 12, 2008, 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 and vocational 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 Vocational Nurse License Number 127517 and Registered Nurse License Number 700217, previously issued to RICHARD ANTHONY SPERIER, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Vocational Nurse License Number 127517 and Registered Nurse License Number 700217, previously issued to RICHARD ANTHONY SPERIER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 12th day of February, 2008.

TEXAS BOARD OF NURSING

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

Re: Vocational Nurse License Number 127517and
Registered Nurse License Number 700217
Issued to RICHARD ANTHONY SPERIER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2008, 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):

Richard Anthony Sperier
3000 Poplar, Lot #6
Marshall, TX 75672

BY: Kath A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Vocational Nurse License § **BEFORE THE TEXAS**
Number 127517 and Registered Nurse §
License Number 700217, Issued to § **BOARD OF NURSING**
RICHARD ANTHONY SPERIER, Respondent §

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RICHARD ANTHONY SPERIER, is a Vocational Nurse holding license number 127517, which is in delinquent status at the time of this pleading, and a Registered Nurse holding license number 700217, which is in Current status at the time of this pleading.

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

CHARGE I.

On or about March 28, 2005, through March 29, 2005, while employed with CareStaf of Dallas, Dallas, Texas, and working at Richardson Regional Medical Center, Richardson, Texas, Respondent withdrew Morphine and Temazepam from the medication dispensing system for Patient Account Number 500084690, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Record (MAR), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT ACCT #	MEDICATION	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
3/28/05@1658	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1630	1700	NO
3/29/05@1524	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1530	NO	NO
3/29/05@1827	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	2030	NO	NO
3/29/05@2233	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG INJ (1)	NO	NO	NO
3/29/05@2233	500084690	TEMAZEPAM 15MG (2)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO
3/29/05@2125	500084690	TEMAZEPAM 15MG (1)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO

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 adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(D)(iv) and 22 TEX. ADMIN. CODE §217.12 (4),(6)(A)&(H),(10)(B)&(11)(B).

CHARGE II.

On or about March 28, 2005, through March 29, 2005, while employed with CareStaf of Dallas, Dallas, Texas, and working at Richardson Regional Medical Center, Richardson, Texas, Respondent withdrew Morphine and Temazepam from the medication dispensing system for Patient Account Number 500084690, but failed to follow the policy and procedure for the wastage of any unused portions of the medication, as follows:

DATE/TIME	PATIENT ACCT #	MEDICATION	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
3/28/05@1658	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1630	1700	NO
3/29/05@1524	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1530	NO	NO
3/29/05@1827	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	2030	NO	NO
3/29/05@2233	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG INJ (1)	NO	NO	NO
3/29/05@2233	500084690	TEMAZEPAM 15MG (2)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO
3/29/05@2125	500084690	TEMAZEPAM 15MG (1)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO

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 Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12 (4),(10)(C)&(11)(B).

CHARGE III.

On or about March 28, 2005, through March 29, 2005, while employed with CareStaf of Dallas, Dallas, Texas, and working at Richardson Regional Medical Center, Richardson, Texas, Respondent withdrew and/or administered Morphine and Temazepam to Patient Account Number 500084690 in excess frequency and/or dosage of the physician's order, as follows:

DATE/TIME	PATIENT ACCT #	MEDICATION	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
3/28/05@1658	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1630	1700	NO
3/28/05@2018	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	2130	2130	NO
3/29/05@1524	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	1530	NO	NO
3/29/05@1827	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG IV Q 6 HRS PRN	2030	NO	NO
3/29/05@2233	500084690	MORPHINE 4MG INJ (1)	MORPHINE 4MG INJ (1)	NO	NO	NO
3/29/05@2233	500084690	TEMAZEPAM 15MG (2)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO
3/29/05@2125	500084690	TEMAZEPAM 15MG (1)	TEMAZEPAM 15-30MG PO QHSP	NO	NO	NO

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

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

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CHARGE IV.

On or about March 28, 2005, through March 29, 2005, while employed with CareStaf of Dallas, Dallas, Texas, and working at Richardson Regional Medical Center, Richardson, Texas, Respondent misappropriated Morphine and Temazepam belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G)&(11)(B).

CHARGE V.

On or about March 28, 2005, through March 29, 2005, while employed with CareStaf of Dallas, Dallas, Texas, and working at Richardson Regional Medical Center, Richardson, Texas, Respondent admitted that he engaged in the intemperate use of narcotics including, but not limited to, Morphine. Possession of narcotics including, but not limited to, Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of narcotics including, but not limited to, Morphine by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(D).

CHARGE VI.

On or about March 16, 2006, while employed with East Texas Medical Center, Carthage, Texas, Respondent wrote an unauthorized telephone physician's order to administer Metamucil 10 mg in the medical record of Patient RM# 156-A WII. Respondent's conduct was deceiving to subsequent care givers who would rely on the unauthorized physician's order to administer the medication. The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(C), and 22 TEX. ADMIN. CODE §217.12 (4),(6)(A)&(H).

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CHARGE VII.

On or about March 16, 2006, while employed with East Texas Medical Center, Carthage, Texas, Respondent administered Metamucil 10 mg to Patient RM# 156-A WII without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Metamucil without a valid physician's order could result in the patient suffering from adverse reactions.

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

CHARGE VIII.

On or about March 16, 2006, while employed with East Texas Medical Center, Carthage, Texas, Respondent documented an unauthorized physician's order to administer a Fleet enema in the medical record of Patient RM# 155-A WII. Respondent's conduct was deceiving to subsequent care givers who would rely on the unauthorized physician's order to administer the medication.

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

CHARGE IX.

On or about March 16, 2006, while employed with East Texas Medical Center, Carthage, Texas, Respondent administered a Fleet enema to Patient RM# 155-A WII without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of a Fleet enema without a valid physician's order could result in the patient suffering from adverse reactions.

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

CHARGE X.

On or about April 24, 2006, Respondent plead guilty and was convicted of "Public Intoxication," a Misdemeanor offense, in Harrison County, Texas, Case ID Number 72156. Respondent was assessed a punishment of a fine and court costs totaling two hundred ten dollars (\$210.00), with one hundred dollars (\$100.00) in jail credit given for time served.

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

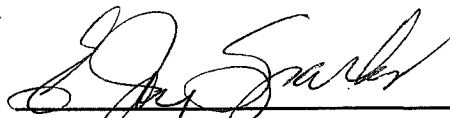
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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 (\$1,200.00).

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 to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

Filed this 12th day of November, 2007.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
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