



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 676651 §
issued to ROBERT CHRISTIAN § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ROBERT CHRISTIAN, Registered Nurse License Number 676651, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10) & (13), Texas Occupations Code.

An informal conference was held on July 14, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN, Nurse Consultant, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising Investigator.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on December 13, 2000. Respondent was licensed to practice professional nursing in the State of Texas on April 3, 2001.

5. Respondent's professional nursing employment history includes:

1/01 - 12/04	Clinical Nurse	Keesler Air Force Base Hospital Keelsler Air Force Base, MS
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12/04 - present	Nurse Manager	Lackland Air Force Base Hospital Lackland Air Force Base, Texas
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6. At the time of the incident in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Clinical Nurse with Keesler Air Force Base Hospital, Keesler Air Force Base, Mississippi, and had been in this position for one (1) year and eight (8) months.

7. On or about July 10, 2004, while employed at Keesler Air Force Base Hospital, Keesler Air Force Base, Mississippi, Respondent failed to notify the physician that Patient AE had decreased urine output, an oxygen saturation level of 81-82%'s, or that Patient AE refused the CPAP and instead requested oxygen per nasal cannula. Subsequently, Patient AE was found unresponsive, without oxygen and expired shortly thereafter of cardiopulmonary arrest due to or as a consequence of hypoxia, according to the death certificate. Respondent's conduct deprived the physician of essential and significant information about the patient, which may have resulted in the implementation of an alternative medical plan required to stabilize the patient and thus prevent the patient's demise.

8. On or about July 10, 2004, while employed at Keesler Air Force Base Hospital, Keesler Air Force Base, Respondent failed complete and adequately document interventions, including reassessments of Patient AE, who experienced decreased urine output, an oxygen saturation level of 81-82%'s, and had refused the CPAP and instead requested oxygen per nasal cannula. Additionally, Respondent failed to document that he had adjusted the rate of flow of the oxygen administered to Patient AE per nasal cannula. Respondent's conduct deprived subsequent caregivers of essential information on which to base their ongoing medical care.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent reports that the technician on duty failed to properly document important and correct vital signs in the patient's medical record. Furthermore, Respondent reports that the physician did know about the patient's refusal of the CPAPN, but falsified his statement by saying that he didn't give the order to leave the CPAP off while awake. Respondent admits that he made a mistake and did not document accurately but asserts that the patient was assessed throughout the shift and received hourly treatments.

10. Autopsy report of Patient AE indicates that the cause of death was due to focal acute bronchopneumonia associated with aspirated foreign material right lung, pulmonary edema (Bilateral) and focal organizing pulmonary thromboembolism (blood clot) in the left lung.

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)(C), (D)& (P) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 676651, heretofore issued to ROBERT CHRISTIAN, 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 REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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 multistate licensure 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 ROBERT CHRISTIAN to the office of the Texas Board of Nursing within ten (10) days of 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 nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/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://www.learningext.com/products/generalce/critical/ctabout.asp>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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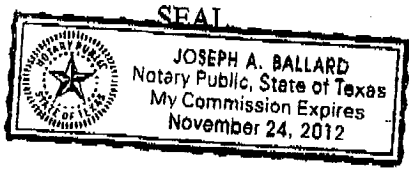
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violationS alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

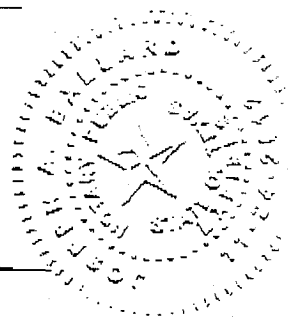
Signed this 28th day of July, 2009.

Robert Christian
ROBERT CHRISTIAN, RESPONDENT

Sworn to and subscribed before me this 28th day of July, 2009.



Joseph A. Ballard
Notary Public in and for the State of Texas



Approved as to form and substance.


, Attorney for Respondent

Signed this ____ day of _____, 20__.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 28th day of July, 2009, by ROBERT CHRISTIAN, Registered Nurse License Number 676651, and said Order is final.

Effective this 10th day of August, 2009.




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

IN THE MATTER OF § BEFORE THE TEXAS
PERMANENT CERTIFICATE §
NUMBER 676651 § BOARD OF NURSING
ISSUED TO §
ROBERT CHRISTIAN §

NUNC PRO TUNC ORDER OF THE BOARD

TO: Robert Christian
2319 E. Commerce
San Antonio, TX 78203

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Agreed Order of the Board was mistakenly ratified and entered for Robert Christian. The Agreed Order was signed by the Respondent on June 22, 2009. However, the Agreed Order was withdrawn, with Respondent's knowledge and consent, shortly after Respondent signed the Agreed Order. However, instead of being removed from the Board's Agenda for the July 23-24, 2009 Board Meeting, the Agreed Order remained on the Board's Agenda in error and was ratified by the Board on July 23, 2009. 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 Agreed Order of the Board that was mistakenly ratified and entered on July 23, 2009 by the Board, for Robert Christian. Respondent received due process regarding his license; therefore, his rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the Agreed Order of the Board ratified on July 23, 2009, for Robert Christian is hereby invalidated.

Entered this 1st day of August, 2009.

TEXAS BOARD OF NURSING

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