

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

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In the Matter of Vocational Nurse License Number 200931           §     AGREED  
and Registered Nurse License Number 734742                   §     ORDER  
issued to DANIEL RICHARD POLANSKY                           §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANIEL RICHARD POLANSKY, Vocational Nurse License Number 200931 and Registered Nurse License Number 734742, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 19, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing and professional nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from McLennan Community College- Multiple Entry-Exit Program, Waco, Texas, on August 11, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2005. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 9, 2006. Respondent was licensed to practice professional nursing in the State of Texas on October 17, 2006.
5. Respondent's vocational and professional nursing employment history is unknown.

6. On or about March 18, 2007, Respondent was arrested by the Texas Highway Patrol, Waco, Texas, for EVADING ARREST (a State Jail felony).
7. On or about September 4, 2008, Respondent was Convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed March 18, 2007) in the County Court at Law of McLennan County, Texas, under Cause No. 20081582CR2. As a result of the conviction, Respondent was sentenced to confinement in the McLennan County Jail for a period of ninety (90) days; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about March 18, 2007, Respondent completed the Board of Nurse Examiners Texas Online Renewal Document for Registered and Licensed Vocational Nurses, in which Respondent provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal? . . . ."

On or about March 18, 2007, Respondent was arrested by the Texas Highway Patrol, Waco, Texas, for EVADING ARREST (a State Jail felony).

On or about March 18, 2007, Respondent was arrested by the Texas Highway Patrol, Waco, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

9. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states that he made an "honest mistake" in completing the online license renewal. He states that within a week of his arrests he contacted the Board and when discussing the issue of his application he admitted that the arrests occurred prior to his online renewal.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2)&(10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 200931 and Registered Nurse License Number 734742, heretofore issued to DANIEL RICHARD POLANSKY, including revocation of Respondent's licenses to practice vocational and 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 REMEDIAL EDUCATION WITH A FINE, 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 multistate licensure privilege, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, 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>.

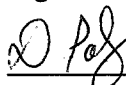
(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

RESPONDENT'S CERTIFICATION

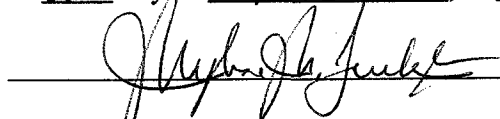
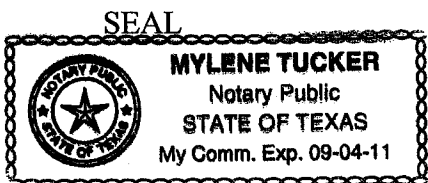
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of May, 2009.



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DANIEL RICHARD POLANSKY, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of MAY, 2009.




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Notary Public in and for the State of TEXAS

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 21<sup>st</sup> day of May, 2009, by DANIEL RICHARD POLANSKY, Vocational Nurse License Number 200931 and Registered Nurse License Number 734742, and said Order is final.



Effective this 11th day of June, 2009.

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