

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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 662834 § **AGREED ORDER**
 issued to VERNE MORGAN DOVER §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of VERNE MORGAN DOVER, Registered Nurse License Number 662834, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived notice and hearing, and agreed to the entry of this Order offered on October 22, 2006, 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.
2. Respondent waived 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 Lamar University, Beaumont, Texas, in May 1999. Respondent was licensed to practice professional nursing in the State of Texas on July 27, 1999.
5. Respondent's professional nursing employment history includes:

07/99 - 10/99	Staff Nurse	Memorial Hermann Baptist Hospital Beaumont, Texas
10/99 - 04/05	Staff Nurse	Park Place Medical Center Port Arthur, Texas
05/05 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a staff nurse with Park Place Medical Center, Port Arthur, Texas, and had been in this position for five (5) years and five (5) months.
7. On or about March 27, 2005, while employed with Park Place Medical Center, Port Arthur, Texas, Respondent struck Patient G.M. with an open hand and used profanity while caring for the patient. Respondent was suspended and removed from the patient care environment. Respondent's conduct was likely to injure the patient in that it could have resulted in the patient suffering from emotional distress.
8. Respondent states that on or about March 27, 2005, while employed with Park Place Medical Center, Port Arthur, Texas, he was assigned patient G.M. in the ICU. The patient was easily agitated, uncooperative, attempted to remove lines, get out of bed, and medications to calm the patient down had little to no effect. The hospital was a restraint free facility. The patient was a danger to himself and to others. Respondent had to physically place G.M. in his bed numerous times, stop him from removing lines and leads, and was at times loud when dealing with this patient. Respondent admits to slapping G.M. on the right buttock like one would a young child. Respondent states that there was no patient complaint or evidence of any patient harm as a result of his actions. Respondent states he was not warned or talked to about his actions on that day. Three days later Respondent was suspended without a hearing or an opportunity to review the allegations against him.
9. Respondent completed a Forensic Psychological Evaluation on September 5, 2006, performed by Alexander Howe, Ph.D., Clinical Psychologist, Waco, Texas. Dr. Howe states that based on his evaluation of Respondent that Respondent is able to conform to the Texas Nursing Practice Act and the Board's rules. "Generally, there is no extensive information to suggest that he is not possessive of those skills that are required to insure responsible care of those individuals placed within his responsibility. However, his action on March 2005 and his interpretation of having to provide appropriate nursing care by slapping a patient's butt "like a 5 year old" is viewed as "unprofessional conduct as a nurse" and suggests a level of "failure of a nurse to adequately care for a client. Therefore, it is recommended that Mr. Dover be allowed to continue to apply the skills of his particular areas of training in providing care to patients in need. However, it is also recommended that Mr. Dover could benefit from access to a mental health professional who could specifically explore with him his perspectives and style of management in working with colleagues and patients in need of care." Dr. Howe found no evidence of any "enduring anger within him and no evidence of substance abuse". Dr. Howe found the Respondent possessed ". . . an extensive history of behaving in a professional manner. . ." Dr. Howe did suggest that the incident occurred based on a number of factors, including ". . . his reticence to not being reviewed as incapable to his colleagues, his dismissiveness of skills of other colleagues to be assistive to him, and the significant behavioral and nursing challenges the particular patient presented to any nursing staff member."
10. On March 15th and 16th, 2006, Respondent completed courses in Nursing Ethics and Nursing Jurisprudence that would have been requirements of this Order. On February 20, 2007, Respondent completed the course offered by the Texas Department of Aging and Disability Services entitled "Detecting and Preventing Abuse and Neglect.

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 a violation of Section 301.452(b)(10), Texas Occupations Code.
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 662834, heretofore issued to VERNE MORGAN DOVER, 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 Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional 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 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 deliver the wallet-sized license issued to VERNE MORGAN DOVER, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 (1) 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:

(2) RESPONDENT SHALL notify each present employer 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 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.

(3) 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.

(4) For the duration of the stipulation period, 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.

(5) 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) months for one (1) year of employment as a nurse.

(6) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress

in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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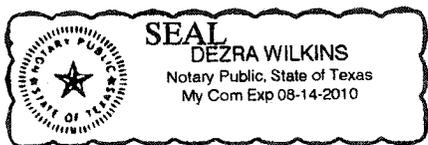
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of MAY, 2007.

Verne Morgan Dover
VERNE MORGAN DOVER, Respondent

Sworn to and subscribed before me this 4 day of May, 2007.



Dezra Wilkins
Notary Public in and for the State of Texas

Approved as to form and substance.

Jon E. Porter
Jon E. Porter, Attorney for Respondent

Signed this 9 day of May, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 4th day of May, 2007, by VERNE MORGAN DOVER, Registered Nurse License Number 662834, and said Order is final.

Effective this 12th day of June, 2007.



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