

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.
Patricia Thomas
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 721160 §
issued to CLIFTON RICHARD POORE § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that CLIFTON RICHARD POORE, hereinafter referred to as Respondent, Registered Nurse License Number 721160, may have violated Section 301.452(b)(10) & (13), Texas Occupations Code.

An informal conference was held on May 6, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Terri Sabella, RN, JD, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Veronica Franco, Investigator; John DeLaRosa, Investigator; Dennis Riggins, Investigator; 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 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 an Associate Degree in Nursing from Regents College, Albany, New York, on July 21, 1995. Respondent was licensed to practice professional nursing in the State of Texas on October 4, 2005.

5. Respondent's professional nursing employment history includes:

7/95 - 3/97	Critical Care Staff Nurse	Columbia HCA - Eastern Idaho Region Idaho Falls, Idaho
4/97 - 1/01	Charge Nurse/ICU/CCU	Wright-Patterson Air Force Medical Center Dayton, Ohio
1/01 - 10/03	Charge Nurse/ER	Wilford Hall Medical Center Lackland Air Force Base, Texas
4/02 - 4/05	Agency Nurse/CCU	Nursefinders Healthcare Staffing Agency San Antonio, Texas
10/03 - 4/05	Health Promotion Manager	Wilford Hall Medical Center Lackland Air Force Base, Texas
5/05 - present	Charge Nurse/ICU	Medical City Dallas Hospital Dallas, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Neurovascular Intensive Care Unit (NVICU) with Medical City Dallas Hospital, Dallas, Texas, and had been in this position for one (1) year and six (6) months.
7. On or about November 10, 2006, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to take Patient Medical Record Number H001026796 for a scheduled computer tomography (CT), as ordered by the physician. Furthermore, Respondent wrote an unauthorized physician's order to cancel the CT. Respondent's conduct was deceiving to subsequent caregivers and deprived the ordering physician of essential information on which to base ongoing medical care.
8. In response to Finding of Fact Number Seven (7), Respondent states when that the patient's condition was rapidly deteriorating and was too unstable to travel to undergo the CT. Respondent discussed this with the pulmonologist caring for this patient, who agreed the patient was too unstable to travel but informed Respondent he needed to notify the ordering physician to cancel the order. Respondent attempts to contact the ordering physician were unsuccessful. Respondent states that he failed to document both the conversation with the pulmonologist and his unsuccessful attempts to contact the ordering physician. The ordering physician became angry when he learned the CT had not been done. Respondent offered to take the patient to undergo the CT immediately, but the ordering physician declined his offer, stating it was too late. The ordering physician left without writing an order to cancel the CT, therefore, Respondent wrote the order.

9. On or about May 30, 2007, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to ensure Patient Medical Record Number H001049537 received the correct medication from the pharmacy resulting in the patient receiving Cerebex 1000 mg instead of receiving Kepra 1000 mg, as ordered by the physician. Respondent's conduct placed the patient at risk of experiencing adverse reactions to the medication including ataxia, brain edema, and intracranial hypertension.
10. In response to Finding of Fact Number Nine (9), Respondent states that the pharmacy inadvertently added the medication Cerebyx to the patient's Medication Administration Record (MAR), which was not identified because Respondent failed to verify the medication by cross checking the MAR with the physicians' orders.
11. On or about June 27, 2007, while employed as a Staff Nurse in the NVICU at Medical City Dallas Hospital, Dallas, Texas, Respondent failed to notify the physician of a critically high potassium level of "7.4" at 2345, and "7.8" at 0430 on June 28, 2007, for Patient Medical Record Number H000082994, who was having episodes of Ventricular Tachycardia. Subsequently, the next morning, the patient's potassium level was higher, the patient coded several times and the patient expired later that day. Respondent's conduct deprived the physician of essential information in order to provide timely medical intervention required to stabilize the patient.
12. In response to Finding of Fact Number Eleven (11), Respondent states that when he received the lab results, he notified the Intensivist, who was on duty at that time, as well as the emergency room physician who participated in the codes instead of the attending physician. Respondent failed to document that he notified these physicians, or to complete the mandatory Critical Value Communication/Documentation Tool verifying notification. Respondent used nursing judgment by weighing the information received in report, prior physician communication and current physician presence to base his decision to not contact the attending physician. Furthermore, Respondent felt he should continue bedside care of the patient rather than stop to make a call regarding a lab value that was not unexpected, given the patient's condition.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(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 721160, heretofore issued to CLIFTON RICHARD POORE, 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 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 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 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 CLIFTON RICHARD POORE, to the office of the Texas Board of Nursing within ten (10) days of the date 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) contact 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour

clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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/disciplinary action](http://www.bon.state.tx.us/disciplinary_action).*

(4) 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/disciplinary action>.

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 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 A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

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.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

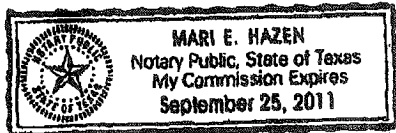
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 29 day of May, 2008.

Cliff R. Poore
CLIFTON RICHARD POORE, Respondent

Sworn to and subscribed before me this 29th day of May, 2008.

SEAL



Mari E. Hazen
Notary Public in and for the State of Texas

Approved as to form and substance.

Teri Sabella
Terri Sabella, RN, JD, Attorney for Respondent

Signed this 29 day of May, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of May, 2008, by CLIFTON RICHARD POORE, Registered Nurse License Number 721160, and said Order is final.

Effective this 17th day of July, 2008.



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