

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. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

AGREED ORDER

In the Matter of the Texas MSR Invalid License No. 640135
Delinquent APN Authorization
and Multi-State Compact Privilege
of
TIMOTHY ALLAN GOOSBY,
Respondent

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TIMOTHY ALLAN GOOSBY, hereinafter referred to as Respondent, who possesses Delinquent APN status, Texas MSR Invalid Registered Nursing License Number 640135, which is currently in Multi-State Regulation (MSR) invalid status due to a current Home State Registered Nursing License in the State of Wisconsin (License Number 99747) with an associated Multi-State Compact Privilege, may have violated Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and Section 301.452(b)(10), Texas Occupations Code.

Respondent waived informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

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 Multi-State Compact Privilege.
2. Respondent waived notice and hearing, and consented to the entry of this Order.

3. Respondent received a Diploma in nursing from Harper Hospital School of Nursing, Detroit, Michigan in June 1979 and a Bachelor's degree in Anesthesia from the University of Michigan, Flint, Michigan in 1987. Respondent holds a current Home State Registered Nursing License in the State of Wisconsin, License Number 99747. Respondent's license to practice professional nursing in Texas is in Multi-State Regulation (MSR) invalid status, and his APN authorization is in delinquent status.

4. Respondent's professional employment history includes:

1979 - 1987	Unknown	
1987 - 1989	Staff Anesthetist	Lapeer General Hospital Lapeer, Michigan
1989 - 1992	Self Employed	T.A. Goosby, Anesthesia Inc., Wisconsin
1992 - 9/96	Solo Practice	Eagle River Memorial Hospital Eagle River, Wisconsin
1996 - 8/98	Locums Tenens	
9/98 - 8/03	Staff Anesthetist	Cuero Community Hospital Cuero, Texas
8/03 - present	Unknown	

6. On February 9, 2004, Respondent was issued a Cease and Desist Order by the Board of Nurse Examiners for the State of Texas.

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7. On or about May 2, 1997, Respondent provided false and deceptive information on a Temporary License/Endorsement Application submitted to the Board of Nurse Examiners for the State of Texas in that he answered "no" to the following question:

Have you ever been convicted of a crime other than minor traffic violations?

Respondent has admitted to the Board that this information was false at the time that it was provided. In addition, Respondent admitted on an application for privileges to practice as a Certified Registered Nurse Anesthetist at Cuero Community Hospital, Cuero, Texas, that he had been convicted of two (2) offenses of Driving Under the Influence, the first occurring approximately twelve (12) years ago and the second approximately five (5) to six (6) years ago. The second occurrence resulted in Respondent being sentenced to a short mandatory incarceration. Respondent's conduct was deceiving to the Board of Nurse Examiners and may have influenced the Board's decision to issue a license to practice professional nursing in the State of Texas.

8. On or about September 1, 1998, Respondent provided false and deceptive information on a Medical Staff Application submitted to Cuero Community Hospital to request privileges to practice as a Certified Registered Nurse Anesthetist, in that he answered "no" to the following question: Have you ever been named as a defendant in any criminal proceedings? In an attachment to his application for renewal of staff membership privileges submitted to Cuero Community Hospital on June 11, 2003, Respondent indicated that he had previously been convicted of two (2) offenses of Driving Under the Influence, the first occurring approximately twelve (12) years ago and the second approximately five (5) to six (6) years ago. The second occurrence resulted in Respondent being sentenced to a short mandatory incarceration. Respondent's conduct was deceiving to Cuero Community Hospital and may have affected their decision to grant him privileges to practice as a Certified Registered Nurse Anesthetist.
9. On or about June 24, 2001, Respondent provided false and deceptive information on an application for renewal of staff membership privileges submitted to Cuero Community Hospital to practice as a Certified Registered Nurse Anesthetist, in that he answered "no" to the following question: Have you every been arrested, fined (over \$100), charged with or convicted of a crime, indicted, imprisoned, placed on probation, or received deferred adjudication? In an attachment to his application for renewal of staff membership privileges submitted to Cuero Community Hospital on June 11, 2003, Respondent indicated that he had previously been convicted of two (2) offenses of Driving Under the Influence, the first occurring approximately twelve (12) years ago and the second approximately five (5) to six (6) years ago. The second occurrence resulted in Respondent being sentenced to a short mandatory incarceration. Respondent's conduct was deceiving to Cuero Community Hospital and may have affected their decision to grant him privileges to practice as a Certified Registered Nurse Anesthetist.
10. Formal Charges were filed on February 26, 2004 and mailed to Respondent on February 26, 2004.

11. First Amended Formal Charges were filed on August 9, 2004 and mailed to Respondent on August 9, 2004.
12. Second Amended Formal Charges were filed on May 3, 2005 and mailed to Respondent on May 3, 2005.
13. Third Amended Formal Charges were filed on May 26, 2005 and mailed to Respondent on May 26, 2005.
14. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his invalidated Texas Registered Nursing License, his Multi-State Compact Privilege to practice professional nursing in the State of Texas and his delinquent advance practice recognition in Texas.

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 evidenced received is sufficient to prove violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN.CODE §217.13(10)
4. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12).
5. The evidence received is sufficient cause pursuant to Chapter 304 and Section 301.452(b), Texas Occupations Code, to take disciplinary action against the Delinquent APN privilege, MSR Invalid License Number 640135 and Multi-State Compact Privilege to practice professional nursing in the State of Texas of TIMOTHY ALLAN GOOSBY, Respondent, including revocation of Respondent's delinquent APN recognition, MSR Invalid License Number 640135 and Multi-State Compact Privilege to practice professional nursing in the State of Texas.
6. Under Chapter 304 and Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a delinquent APN recognition, MSR Invalid License Number 640135 and Multi-State Compact Privilege as well as any rights associated with his previously held Texas Registered Nursing License.
7. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of a Delinquent APN privilege, MSR Invalid License Number 640135 or Multi-State Compact Privilege.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas

Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of his invalid MSR Texas license, the Multi-State Compact Privilege to practice professional nursing, including recognition as an advanced practice nurse in the State of Texas of TIMOTHY ALLAN GOOSBY, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing in the State of Texas, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying TIMOTHY ALLAN GOOSBY as a registered nurse in the State of Texas, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse in the State of Texas during the period in which the Multi-State Compact Privilege is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of his Multi-State Compact Privilege or any Texas license including advance practice recognition in Texas until at least one year has passed since the effective date of this Order and all requirements for relicensure are met including submission of fingerprint cards for purposes of criminal history evaluation.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure in addition to any requirements specified herein.

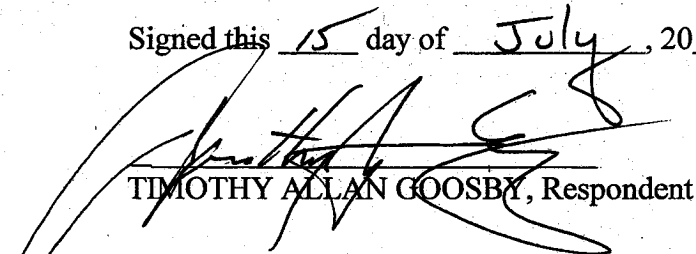
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RESPONDENT'S CERTIFICATION

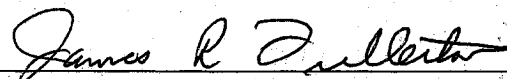
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Board of Nurse Examiners at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 15 day of July, 2005.

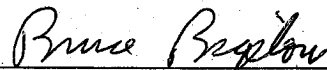

TIMOTHY ALLAN GOOSBY, Respondent

Sworn to and subscribed before me this 15 day of July, 2005.

SEAL



Notary Public in and for the State of Wis
Expires 4/23/06

APPROVED AS TO FORM AND SUBSTANCE:


Bruce Bigelow, Attorney for Respondent

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 15th day of July, 2005, by TIMOTHY ALLAN GOOSBY, invalid Texas MSR License Number 640135, the Multi-State Compact Privilege to practice professional nursing, including recognition as an advanced practice nurse, in the State of Texas, and said Order is final.

Effective this 25th day of July, 2005.


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