



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 A. Warner
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 759534 §
issued to ANDREW P. WARNER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREW P. WARNER, Registered Nurse License Number 759534, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice 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 license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in inactive status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas A&M University, Corpus Christi, Texas, on May 17, 2008. Respondent was licensed to practice professional nursing in the State of Texas on August 5, 2008.
5. Respondent's professional nursing employment history includes:

06/08 - 08/08	GN	Christus Spohn Hospital Corpus Christi, Texas
08/08 - 04/09	RN	Christus Spohn Hospital Corpus Christi, Texas

Respondent's professional nursing employment history continued:

04/09 - 09/10	RN	Fresenius Medical Care Corpus Christi, Texas
09/10 - 11/10	RN	Vista Care Hospice San Antonio, Texas
11/10 - 11/12	RN	Nursefinders San Antonio, Texas
06/11 - 06/13	RN	Lifecare Hospital San Antonio, Texas
01/13 - 04/13	RN	Epic Health Services San Antonio, Texas
07/13 - 08/13	Unknown	
09/13 - 12/13	RN	Midland Memorial Hospital Midland, Texas
12/13 - 04/14	RN	Interim Hospice of West Texas Midland, Texas
04/14 - 06/14	RN	Compass Hospice Odessa, Texas
06/14 - 11/14	RN	Oceans Behavioral Hospital Midland, Texas
12/14 - 01/15	Unknown	
02/15 - 07/15	RN	Fresenius Medical Care Midland, Texas
06/15 - 09/16	RN	Encompass Home Health of the Permian Basin Big Spring, Texas
10/16 - Present	Unknown	

6. On or about February 1, 2011, Respondent was issued the sanction of REMEDIAL EDUCATION by the Texas Board of Nursing. Respondent successfully completed the terms of the Order on August 20, 2011. A copy of the Findings of Fact, Conclusions of Law, and

Agreed Order dated February 1, 2011, is attached and incorporated, by reference, as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Encompass Home Health of the Permian Basin, Big Spring, Texas, and had been in that position for one (1) year and one (1) month.
8. On or about July 6, 2016, through September 1, 2016, while employed with Encompass Home Health of the Permian Basin, Big Spring, Texas, Respondent falsified start and end times on the home health visit notes for multiple patients. Additionally, Respondent falsified assessments, treatments and medications given, and narrative notes on the home health visit notes for multiple patients. Further, Respondent failed to obtain patient and/or care giver signatures on the home health visit notes for the patients. Respondent's conduct created inaccurate medical records and was likely to injure the patients in that subsequent care givers would not have accurate information to base their decisions for further care.
9. In response to Finding of Fact Number Eight (8), Respondent states that he did not falsify start and end times or assessments. Respondent states that he left his tablet/documentation device at home by accident, so he took his notes on paper and later entered those notes onto the device. Respondent states that only the time/date stamp was wrong and adds that he was unaware of the "time/date correction request" option until he was notified by his employer. Regarding the signatures, Respondent states that since he left the documentation device at home, he was unable to obtain signatures. Respondent states that the documentation software does not allow for a visit to be completed/uploaded to the corporate servers without some kind of signature or "mark" in two places. Respondent states that in the event that the patient is unwilling or unable to sign, it can be signed by the care giver or other staff per policy.
10. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of 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 evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 759534, heretofore issued to ANDREW P. WARNER, including revocation of Respondent's

license(s) to practice nursing in the State of Texas.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
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.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 759534, heretofore issued to ANDREW P. WARNER, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact 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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 31 day of July, 2017.

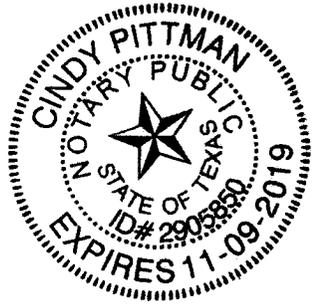
[Signature]
ANDREW P. WARNER, Respondent

Sworn to and subscribed before me this 31 day of July, 2017.

SEAL

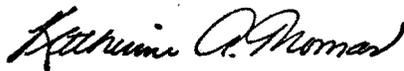
[Signature]

Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License Number 759534, previously issued to ANDREW P. WARNER.

Effective this 2nd day of August, 2017.



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



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 759534 §
issued to ANDREW P. WARNER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREW P. WARNER, Registered Nurse License Number 759534, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 22, 2010, 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(s).
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 professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Texas A&M University, Corpus Christi, Texas, on May 17, 2008. Respondent was licensed to practice professional nursing in the State of Texas on August 5, 2008.
5. Respondent's professional nursing employment history includes:

06/08 - 08/08	GN	Christus Spohn Hospital Corpus Christi, Texas
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Respondent's professional nursing employment history continued:

08/08 - 04/09 RN Christus Spohn Hospital
Corpus Christi, Texas

05/09 - Present Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Christus Spohn Hospital, Corpus Christi, Texas, and had been in this position for six (6) months.
7. On or about February 2, 2009, while employed with Christus Spohn Hospital, Corpus Christi, Texas, Respondent failed to administer Androgel to Patient Medical Record Number SH00088660, as ordered by the physician. Additionally, Respondent erroneously documented that he administered said medication in the patient's medication administration record (MAR). Respondent's conduct created an inaccurate medical record and may have injured the patient in that failing to administer medications as ordered by the physician could result in non-efficacious treatment.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states:

"I administered my medications to him at 0900, and realized after the fact that the Androgel was in the central pharmacy... I had already signed the Medication Administration Record (MAR), which was a bad habit I picked up from my preceptor that I was trying to break. During this time...I had many physicians rounding, and the gel slipped my mind in the fray of what was going on with the patient. I had every intention of going to get the Schedule III drug from the central pharmacy, but...I never had the opportunity."
9. On or about February 12, 2009, while employed with Christus Spohn Hospital, Corpus Christi, Texas, Respondent failed to administer scheduled 0900 medications to Patient Medical Record Number SH00085923, who was transferring from ICU to a telemetry unit. Respondent's conduct may have injured the patient in that failing to administer medications as ordered by the physician could result in non-efficacious treatment.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states that he was asked by the assistant manager if he would take a triple assignment so that another RN could take an admission. Respondent states that the RN gave him a truncated report at around 1030 and told him that everything had been done for the patient and all he had to do was "babysit" until the patient got transferred. Respondent states that 30 minutes after the patient was transferred, the accepting nurse called and stated that the patient's 0900 medications had not been administered. Respondent acknowledges that it was his responsibility to make sure that everything had been done when he received the patient.

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, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(B),(C)&(D) and 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 759534, heretofore issued to ANDREW P. WARNER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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/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://learningext.com/hives/a0f6f3e8a0/summary>.*

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

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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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

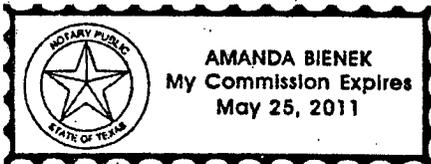
Signed this 28th day of JANUARY, 2011.
Andrew P. Warner BSN, RN
ANDREW P. WARNER, Respondent

Sworn to and subscribed before me this 28th day of January, 2011.

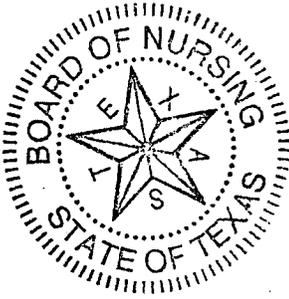
SEAL

Amanda Bienek

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 28th day of January, 2011, by ANDREW P. WARNER, Registered Nurse License Number 759534, and said Order is final.



Effective this 1st day of February, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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