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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	REINSTATEMENT
License Number 671762	§	
issued to CHARLES MICHAEL FIEBIG	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 671762, held by CHARLES MICHAEL FIEBIG, hereinafter referred to as Petitioner.

An informal conference was held on July 3, 2012, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from College of the Mainland, Texas City, Texas, on May 1, 2000. Petitioner was licensed as a professional nurse in the State of Texas on August 1, 2000.

4. Petitioner's professional nursing employment history includes:

Unknown	Staff Nurse	Vista Medical Center Pasadena, Texas
Unknown	Staff Nurse	University of Texas Medical Branch Galveston, Texas
Unknown	Agency Nurse	Crdentia Houston, Texas
2010 - present	Not employed in nursing	

5. On September 14, 2010, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the September 14, 2010, Order of the Board and Formal Charges, is attached and incorporated, by reference, as a part of this Order.

6. On or about April 23, 2012, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

   7.1. Letter of support, dated March 15, 2012, from Barbara Martin, Administrator, Memorial Hermann, Houston, Texas, states Petitioner worked at the surgery center through a local staffing company for several years. During that time, he proved to be a reliable and professional employee. Petitioner was valued as a team member by all staff. They welcome his return.

   7.2. Letter of support, dated January 30, 2012, from Debbie Griffith-Seymour, Branch Manager, Crdentia, Houston, Texas, states Petitioner has been working for Crdentia since January 11, 2003. During his time of employment, Petitioner has worked at numerous surgery centers as an operating room nurse. Petitioner has received excellent references from directors of various surgery centers. Many directors repeatedly request for him through the agency. Petitioner is professional, highly skilled and possesses excellent work ethic. Ms. Griffith-Seymour would highly recommend Petitioner for any position. He is welcome back to the organization.

   7.3. Letter of support, dated March 31, 2012, from Cynthia R. Braswell, RN, states she has known Petitioner since 1998, at which time they attended the nursing program together. He is very responsible, compassionate and knowledgeable.

   7.4. Verification of course completion, dated December 17, 2011, for the course entitled Texas Nursing Jurisprudence and Ethics.

   7.5. Verification of course completed, dated November 21, 2011, for the course entitled Sharpening Critical Thinking Skills.

   7.6. Documentation of the minimum requirement of Continuing Education contact hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of CHARLES MICHAEL FIEBIG, Registered Nurse License Number 671762, to practice nursing in the state of Texas, be and the same is hereby GRANTED.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

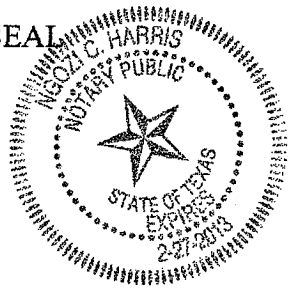
Signed this 23rd day of July, 2012

Charles Michael Fiebig

CHARLES MICHAEL FIEBIG, Petitioner

Sworn to and subscribed before me this 23rd day of July, 2012

SEAL



Ngozi C. Harris

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 23rd day of July, 2012, by CHARLES MICHAEL FIEBIG, Registered Nurse License Number 671762, and said Order is final.

Effective this 14th day of August, 2012.

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 671762	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
CHARLES MICHAEL FIEBIG	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Charles Michael Fiebig
RT 1 Box 2018
San Leon, Texas 77539

During open meeting held in Austin, Texas, on Tuesday, September 14, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

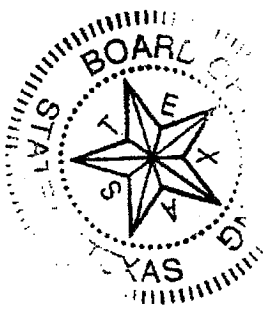
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 671762, previously issued to CHARLES MICHAEL FIEBIG, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 671762, previously issued to CHARLES MICHAEL FIEBIG, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 14th day of September, 2010.



TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License Number 671762, Issued to CHARLES MICHAEL FIEBIG, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARLES MICHAEL FIEBIG, is a Registered Nurse holding license number 671762, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 1, 2000, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he attested to the truth of the following question:

"Have never been convicted of a crime other than minor traffic violations?"

Specifically, On or about January 9th 1985, Respondent entered a plea of Guilty and was convicted of ATTEMPT BURGLARY OF A VEHICLE (a Misdemeanor offense committed on October 2, 1985), in the County Court No. 1 of Galveston County, Texas, under Cause No. 73,377. As a result of the conviction, Respondent was sentenced to confinement in the Galveston County Jail for a period of three hundred sixty-five (365) 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 cost.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE II.

On or about August 29, 2000, Respondent entered a plea of No Contest and was convicted of the reduced offense of SIMPLE ASSAULT (a Class C Misdemeanor offense committed on July 25, 1999), in the County Court at Law No. 1 of Galveston, County, Texas, under Cause No. 191739. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses for Lying and Falsification, for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 22nd day of July, 2010.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
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Lance Robert Brenton, Assistant General Counsel
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State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

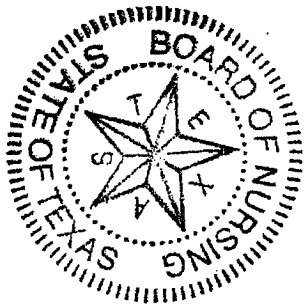
0999/D

Re: Permanent Certificate Number 671762
Issued to CHARLES MICHAEL FIEBIG
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Charles Michael Fiebig
RT 1 Box 2018
San Leon, Texas 77539

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD