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| IN THE MATTER OF | § | BEFORE THE ELIGIBILITY |
| | § | |
| PERMANENT CERTIFICATE | § | AND DISCIPLINARY |
| | § | |
| NUMBER 183537 | § | COMMITTEE |
| | § | |
| ISSUED TO | § | OF THE TEXAS |
| | § | |
| MICHAEL DONALD WIGGINS | § | 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

**ORDER OF THE BOARD**

TO: Michael Donald Wiggins
2110 Pullman Circle
Pensacola, Florida 32526

During open meeting held in Austin, Texas, on Tuesday, May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 vocational 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 § 213.16(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 183537, previously issued to Michael Donald Wiggins, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed January 6, 2011.

Re: Permanent Certificate Number 183537
Issued to Michael Donald Wiggins
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2011, 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):

Michael Donald Wiggins
6526 Nellie Drive
Arlington, Texas 76002

Alt. Address

Michael Donald Wiggins
2110 Pullman Circle
Pensacola, Florida 32526

BY: Katherine A. Thomas

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

| | | |
|---|---|---|
| **In the Matter of Permanent License** | § | **BEFORE THE TEXAS** |
| **Number 183537, Issued to** | § | |
| **MICHAEL DONALD WIGGINS, Respondent** | § | **BOARD OF NURSING** |

## FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL DONALD WIGGINS, is a Vocational Nurse holding license number 183537, which is in delinquent 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 October 1, 2003, Respondent voluntarily relinquished his license to practice as a Licensed Practical Nurse in the State of Florida. A copy of the Florida Board of Nursing Final Order, dated October 1, 2003 is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

## CHARGE II.

On or about January 2, 2004, Respondent plead Nolo Contendre to three (3) counts of LEWD OR LASCIVIOUS CONDUCT, a Second Degree Felony Offense, in the Circuit Court of the 1st Judicial Circuit, Santa Rosa County, Florida, under case number 03000376CFMA. Subsequently, Respondent received ten (10) years imprisonment in the Florida Department of Corrections for counts 1 and 2, and fifteen (15) years probation for count 3, terms to run consecutively.

The above action constitutes grounds for disciplinary action in accordance with Sections 53.021 and 301.452(b)(3)&(10), Texas Occupations Code, and 22 Tex. Admin. Code §217.12 (1)(B)&(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 Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33, and TEX. OCC. CODE Ch. 53. 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, 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Final Order of the Florida Board of Nursing dated October 1, 2003.

Filed this 6th day of January, 2011.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
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

Attachments: Final Order of the Florida Board of Nursing dated October 1, 2003.

D/2010.12.28

Final Order No. DOH-03-1110-S-MQA
FILED DATE - 10/2/03
Department of Health
By: Heather Coleman
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs. Case No.: 2002-29141

MICHAEL DONALD WIGGINS, L.P.N.,

Respondent.

_____/

**FINAL ORDER**

Respondent, MICHAEL DONALD WIGGINS, L.P.N., holds Florida license number PN 1222611 as a Licensed Practical Nurse.

In order to avoid further administrative proceedings, the Respondent has submitted a Petition for Voluntary Relinquishment of License which is attached to and made a part of this Final Order.

This cause came before the Board of Nursing at a duly-noticed public meeting on August 15, 2003, in Tallahassee, Florida for final agency action.

The Board, upon review of the Administrative Complaint, the investigative file supplied by the prosecuting attorney, and the admissions in Respondent's petition accepts as its findings of fact those found in the investigative file.

The foregoing facts constitute violations of Sections 456.072(1)(u), 464.017, 464.018(1)(h), (n), Florida Statutes, for which the Board may impose discipline pursuant to Section 464.018(2), Florida Statutes.

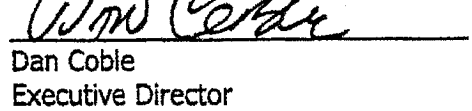
The Board has considered Respondent's Petition for Voluntary Relinquishment and concludes it is appropriate. It is therefore ORDERED that the voluntary relinquishment of the

license of MICHAEL DONALD WIGGINS is accepted, subject to the right to reapply for licensure, if any, set forth in the petition.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

**DONE AND ORDERED** this 1st day of October, 2003.

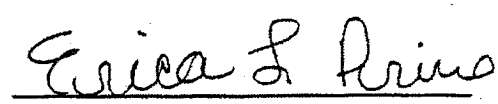
**BOARD OF NURSING**



Dan Coble
Executive Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to MICHAEL DONALD WIGGINS, 2110 Pullman Circle, Pensacola, Florida 32526; and, by interoffice mail to Rosanna Catalano, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Amy Pietrodangelo, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin # C-56, Tallahassee, Florida 32399-3265; and, Pamela Page, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 2nd day of October, 2003.



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DEPARTMENT OF HEALTH
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

v.

COMPLAINT NO: *PN2002-29141*
LICENSE NO: *1222611*

*Michael Donald Wiggins*

Respondent.

_____/

**VOLUNTARY RELINQUISHMENT OF LICENSE**

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this Voluntary Relinquishment of his/her license to practice as a LICENSED PRACTICAL NURSE in the State of Florida, as discipline, with the understanding that the Respondent will not reapply for licensure as a nurse in the State of Florida for a period of three years, if ever.

The Respondent authorizes the Board to review and examine all materials contained in the investigative file before, or in conjunction with, consideration of this relinquishment.

Should this relinquishment be rejected by the Board, it is agreed that presentation of this matter and materials to the Board shall not prejudice the Board or any of its members from further participation, consideration, or resolution of any further proceedings herein.

Upon the Board's adoption of this Voluntary Relinquishment, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the relinquishment

and the Final Order of the Board incorporating the Relinquishment. Further, the parties hereby agree that each party will bear their own attorney's fees and costs resulting from prosecution or defense of this matter.

DATED this 5/9 day of May, year of 2003.

Respondent

STATE OF Florida

COUNTY OF Santa Rosa

Before me, personally appeared Michael Donald Wiggins, whose identity is personally known to me or by producing Index record (type of identification) as identification and who acknowledges that her signature appears above. Sworn to or affirmed by Respondent before me this 9 day of May, year of 2003.

My Commission Expires

NOTARY PUBLIC - STATE OF Florida

Lloyd E. Richard

Type or Print Notary

Lloyd E. Richard
MY COMMISSION # CC848909 EXPIRES
June 23, 2003
BONDED THRU TROY FAIN INSURANCE, INC.