IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 698628	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MICHAEL JASON BRADFORD	§	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 Jason Bradford
6009 Ruston Road
Texarkana, Texas 75503

During open meeting held in Austin, Texas, on May 10, 2011, 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 698628, previously issued to MICHAEL JASON BRADFORD, to practice professional 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 multi-state privilege, if any, to practice professional 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

Re: Permanent Certificate Number 698628
Issued to MICHAEL JASON BRADFORD
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 20 11, 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 Jason Bradford
6009 Ruston Road
Texarkana, Texas 75503

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 698628, Issued to	§	
MICHAEL JASON BRADFORD, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL JASON BRADFORD, is a Registered Nurse holding license number 698628, 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 December 2009 and January 2010, Respondent failed to comply with the Reinstatement Agreed Order issued to him on February 6, 2009, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract during its term, which included missed drug screens. On January 27, 2009, Respondent was dismissed from TPAPN and referred to the Board.

A copy of the February 6, 2009, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law 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)(1) and (10),Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(9) and (11)(B).

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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, 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 Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of the Board issued February 13, 2007, Reinstatement Agreed Order issued February 6, 2009.

Filed this 4th day of October, 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
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: Order of the Board dated February 13, 2007.
Reinstatement Agreed Order dated February 6, 2009

0999/D

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	
License Number 698628	§	REINSTATEMENT
issued to MICHAEL JASON BRADFORD	§	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 698628, held by MICHAEL JASON BRADFORD, hereinafter referred to as Petitioner.

An informal conference was held on November 18, 2008, 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 Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, 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.

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 Texarkana Community College, Texarkana, Texas, on May 16, 2003. Petitioner was originally licensed to practice professional nursing in the State of Texas on July 22, 2003.

4. Petitioner's professional nursing employment history includes:

6/03 - 7/03	Graduate Nurse	Methodist Hospital Dallas, Texas
7/03 - 8/03	Staff Nurse	Fresenius Dialysis Dallas, Texas
9/03 - 8/04	Staff Nurse	Baylor University Medical Center Dallas, Texas
9/04 - 11/04	Agency Nurse	Victor Valley Community Hospital Victorville, California
11/04 - 12/04	Agency Nurse	Harrison Medical Center Bremerton, Washington
3/05 - 4/05	Staff Nurse	Del E. Webb Memorial Hospital Sun City, Arizona
4/05 - 5/05	Agency Nurse	Upper Chesapeake Health Have De Grace, Maryland
6/05 - 4/06	Agency Nurse	Mee Memorial Hospital King City, California
4/06 - 12/07	Not employed in nursing	

5. On February 13, 2007, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas. A copy of the February 13, 2007, Order of the Board is attached and incorporated, by reference, as a part of this Order.

6. On or about September 5, 2008, 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, dated June 25, 2008, from Alison Grijalva, Office Manager, Genesis House, Seaside, California, states Petitioner was a client in the Genesis House Program from October 31, 2005, until his successful completion on May 11, 2006. Genesis is a residential drug and alcohol treatment program, providing weekly individual and group counseling, education groups, 12 step recovery support, as well as referrals to ancillary services and case management. Petitioner actively participated in group and other structured activities; and had developed a solid connection in the 12 step community. Petitioner successfully maintained a strong working relationship with a sponsor. Random drug tests were all negative during his stay in treatment. It was determined by agency staff that he was an appropriate candidate for transition and after successfully securing housing, Petitioner was given a successful completion of program from Genesis House.

7.2. Letter, dated August 19, 2008, from Theresa Fontenot, PA-C, Family Medical Group of Texarkana, Texas, states Petitioner has been her patient for the past six (6) months. Ms. Fontenot has found Petitioner to be forthright about his history of drug abuse and is very remorseful. He completed a six (6) month rehabilitation program successfully in May 2006. He has remained drug and alcohol free since his discharge. Ms. Fontenot has performed a random urine drug screen on June 30, 2008, which was negative. Petitioner has brought documentation of routine Narcotics Anonymous attendance. He has expressed a desire to resume nursing and Ms. Fontenot believes he would do very well returning to a clinical setting and would be an asset to any team. Petitioner agrees to continue with his sobriety and appears to be sincere in his commitments and wishes to never return to his previous drug use. As long as Petitioner remains in Texarkana, Ms. Fontenot will monitor him on a routine basis and suggest he continues with frequent visits and monitoring including continuation of drug screening.

7.3. Letter of support, dated August 10, 2008, from David Moreno, Houston, Texas, states he went to college with Petitioner and has remained in close contact for the past several years. Mr. Moreno has always known Petitioner to be bright, honest, and intelligent. He is always helping other people and enjoys helping those in need. Mr. Moreno knows of Petitioner's past addiction of prescription drugs, but have remained very close to him throughout the years of recovery. He has worked very hard to get back on his feet and is now helping other addicts. Petitioner has always gone above and beyond to help other people and Mr. Moreno knows that he is ready to go back into nursing. He has worked very hard on his recovery and Mr. Moreno knows he will be a great nurse.

7.4. Letter of support, dated July 21, 2008, from Brenda Simmons, New Boston, Texas, states she and Petitioner attend church together and Ms. Simmons has known Petitioner all his life. In Ms. Simmons' opinion, Petitioner is a responsible and trustworthy person with good morals. He is a positive role model for many of the youth in the church and he has a sincere desire to help all of those in need. Petitioner is the church treasurer and participates in many of the community outreach programs. Petitioner is very dedicated to the church and has made a positive contribution to their cause. Ms. Simmons strongly supports Petitioner in his endeavor to regain his nursing license and return to nursing.

7.5. Letter of support, dated July 15, 2008, from Angelle Taylor, Texarkana, Texas, states she has employed Petitioner as a care giver for her mother since April 12, 2008, until present. Ms. Taylor's mother is 66 years old and has Parkinson's Disease and dementia. Obviously she is not able to care for herself. Ms. Taylor works full-time and refuses to put her mother in a nursing home. Therefore, Ms. Taylor hired Petitioner to take care of her and help her with her activities of daily living. Ms. Taylor has known Petitioner for approximately ten (10) years. Petitioner came to Ms. Taylor in late January 2008 and told her we was looking for a job and divulged to her that his nursing license had been revoked due to chemical dependency issues and legal problems related to his chemical dependency. He informed Ms. Taylor that he had completed a six (6) month inpatient rehabilitation program, was attending Narcotics Anonymous meetings regularly, and had been sober since July 2005. Ms. Taylor knew since he had the training of a nurse, he was more than capable of providing the simple care that her mother needed. Ms. Taylor told Petitioner that she would give him a two (2) week trial and if all was satisfactory, she would hire him permanently. Ms. Taylor made a smart decision because Petitioner does a terrific job taking care of her mother. His duties include giving a sponge bath and washing her daily, dressing her, preparing her meals and helping her feed herself, and taking her to various medical appointments, as needed. Ms. Taylor finds Petitioner to be a caring individual. He seems to take pride in his work and does his job in a very professional and dignified manner.

7.6. Documentation of support group attendance dating from February 2006 through August 2008.

7.7. Documentation of twenty-three (23) Type I contact hours of continuing education.

8. Petitioner gives July 21, 2005, as his date of sobriety.

CONCLUSIONS OF LAW

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

2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 MICHAEL JASON BRADFORD, Registered Nurse License Number 698628, to practice professional nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING PROBATION CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MICHAEL JASON BRADFORD, shall be subject to the following agreed post-licensure probation conditions:

(2) PETITIONER SHALL, within forty-five (45) days following relicensure, apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nursing.

(4) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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 10th day of January, 2008.

Michael Jason Bradford

MICHAEL JASON BRADFORD, Petitioner

Sworn to and subscribed before me this 30th day of January, 2008.

SEAL

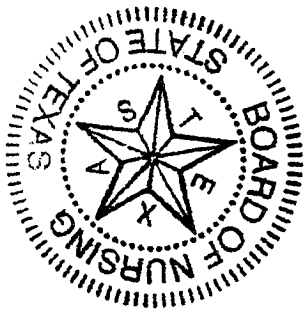
DONNA JANE GULLEDGE NOTARY PUBLIC STATE OF TEXAS EXPIRES 08-25-2012

Donna Gulledge

Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 30th day of January, 2009, by MICHAEL JASON BRADFORD, Registered Nurse License Number 698628, and said Order is final.

Effective this 6th day of February, 2009.



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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 698628	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
MICHAEL JASON BRADFORD	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: Michael Jason Bradford
6009 Ruston Road
Texarkana, Texas 75503

During open meeting held in Austin, Texas, on February 13, 2007, 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 file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

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 to set aside the default order (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 698628, previously issued to MICHAEL JASON BRADFORD, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 698628, previously issued to MICHAEL JASON BRADFORD, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of February, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	BEFORE THE BOARD
Number 698628, Issued to	§	OF NURSE EXAMINERS
MICHAEL JASON BRADFORD, Respondent	§	FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL JASON BRADFORD, is a Registered Nurse holding license number 698628, 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 May 3, 2005, while utilizing his multistate compact privilege and employed at Del E. Webb Hospital, Sun City, Arizona, Respondent exhibited impaired behavior which included slow speech, drowsy actions, dilated pupils, a pale and sweaty face, red stains on his clothing and slow movements. Respondent's condition may have prevented him from delivering safe nursing care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (12),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E) & (5).

CHARGE II.

On or about May 4, 2005, while utilizing his multistate compact privilege and employed with Del E. Webb Hospital, Sun City, Arizona, Respondent engaged in the intemperate use of Morphine in that he produced a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code. The use of Morphine by a Registered Nurse, while subject to duty or call could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9) & (10),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D).

CHARGE III.

On or about May 4, 2005, while utilizing his multistate compact privilege and employed with Del E. Webb Hospital, Sun City, Arizona, Respondent withdrew three (3) 4mg vials of Morphine from the medication dispensing system for Patient #867015, in order to misappropriate the medication for his own personal use. Respondent's conduct defrauded the hospital and the patients thereof of the cost of the medications.

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

CHARGE IV.

On or about March 21, 2006, Respondent's multi state compact privilege associated with his license to practice nursing in the State of Texas, was revoked by the Arizona State Board of Nursing. A copy of the March 21, 2006, Order to Revoke Multistate Licensure Privilege in Arizona and Cease and Desist Order, Findings of Fact and Conclusions of Law, 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 V.

On or about September 12, 2006, Respondent's license was revoked by the State of Washington, Department of Health, Nursing Care Quality Assurance Commission. A copy of the September 12, 2006, Final Order of Default, Findings of Fact and Conclusions of Law 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.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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 § 301.461, TEX. OCC. CODE ANN. 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).

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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.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 13th day of October, 2006

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Victoria Cox, Assistant General Counsel
State Bar No. 00789585
E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600
BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: Arizona Board of Nursing Order to Revoke Multistate Licensure Privilege in Arizona and Cease and Desist Order; and
State of Washington Final Order of Default

0999/D

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice as a Registered Nurse of: **MICHAEL J. BRADFORD** License No. RN00157161 Respondent.	**Docket No. 05-11-A-1034RN** **FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER OF DEFAULT (Failure to Respond)**

This matter comes before the Health Law Judge, Presiding Officer for final order of default. Based on the record, the Presiding Officer, on designation by the issues the following:

Section 1: FINDINGS OF FACT

1.1 Michael J. Bradford, Respondent, was issued a license to practice as a registered nurse by the state of Washington in November 2004. Respondent's license is expired.

1.2 The Department has filed the Declaration of Terry West, Deputy Executive Director with attached exhibits.

1.3 During the period of December 6, 2004 through December 18, 2004, while employed as a nurse at Harrison Memorial Hospital in Bremerton, Washington (facility), Respondent engaged in a pattern of mishandling of narcotics. Specifically, Respondent withdrew controlled substances from the hospital medication dispenser to include Morphine Sulfate, Lorazepam/Ativan, and Midazolam/Versed from facility supply and failed to appropriately and adequately document their administration and/or wastage in the patient's medication records.

1.4 On or about December 18, 2004 and while employed as a nurse at Harrison Memorial Hospital, Respondent diverted an unknown amount of Fentanyl from a patient's IV bag for his own personal use.

ORIGINAL

1.5 On or about May 9, 2006, the Program was notified by the Arizona State Board of Nursing that the Respondent's license to practice as a nurse in the state of Arizona was revoked effective ~~April 28~~ March 21, 2006. The Findings of Fact contained in the Arizona Order state that while employed as a nurse in Sun City, Arizona, on or about May 4, 2005, Respondent was observed to be under the influence of alcohol and/or drugs. A for-cause urine drug screen was conducted which was positive for morphine. Respondent admitted to diverting and using morphine "almost every shift."

1.6 On July 19, 2006, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

A. Amended Statement of Charges;

B. Notice of Opportunity for Settlement and Hearing;

C. Answer to Amended Statement of Charges and Request for Settlement and Hearing;

D. Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

1.7 The Answer to the Amended Statement of Charges was due in the Adjudicative Service Unit office by August 8, 2006.

1.8 To date, the Adjudicative Service Unit has not received an answer to the Amended Statement of Charges. On August 10, 2006, the Adjudicative Service Unit issued a Notice of Failure to Respond.

1.9 The ~~Commission~~ Presiding Officer has no reason to believe Respondent is now or was in active military service; or a dependent of a person in active military service at the time the Statement of Charges was served.

Section 2: CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(I) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented, RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(5), (6), and/or (7) based on WAC 246-840-710(1), (2)(b), (e), and (5)(a)

2.4 Sufficient grounds exist to take disciplinary action against Respondent's license. RCW 18.130.160 and 18.130.180.

Section 3: ORDER

~~The COMMISSION ORDERS:~~ JL 9/22/05

3.1 Respondent's license to practice as a registered nurse in the state of Washington is REVOKED with no right to seek modification of this Agreed Order and/or reinstatement of licensure for a period of at least then (10) years from the date of entry of this Final Order.

3.2 Respondent shall immediately return all licenses to the Commission within ten (10) days of receipt of this Final Order.

3.3 Upon request for modification of this Order and/or reinstatement of license, Respondent must provide satisfactory evidence of being clean and sober for at least ~~thirty-six~~ (36) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to *observed* biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within 90 days of any petition by Respondent) chemical dependency evaluation by a commission – approved evaluator. The evaluation shall include:

A. Respondent's condition or diagnosis;

B. Conclusions and prognosis;

C. Recommendations regarding the need for ongoing care and treatment;

D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

3.4 Respondent shall assume all costs of complying with this Final Order.

3.5 The effective date of this Order is that date the Adjudicative Service Unit places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

Section 4: NOTICE TO PARTIES

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, 45 CFR Part 61, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a **petition for reconsideration**, RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Nursing Care Quality Assurance Commission
PO Box 47864
Olympia WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition. RCW 34.05.470(3).

The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit, RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

DATED: September 12, 2006.

~~STATE OF WASHINGTON~~
~~DEPARTMENT OF HEALTH~~
~~NURSING CARE QUALITY ASSURANCE~~
~~COMMISSION~~

~~PANEL CHAIR~~ Health Law Judge

Presented by:

TRENT KELLY, WSBA #16123
DEPARTMENT OF HEALTH STAFF ATTORNEY

9/12/06
DATE

FOR INTERNAL USE ONLY: PROGRAM NOS. 2004-12-0057RN & 2005-05-0029RN

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE PRIVLEGE TO PRACTICE NURSING UNDER THE NURSE LICENSURE COMPACT IN THE STATE OF ARIZONA ISSUED TO: MICHAEL JASON BRADFORD, RESPONDENT NURSE LICENSE NO.: 698628 (RN) STATE OF: TEXAS	**ORDER TO REVOKE** **MULTISTATE LICENSURE PRIVILEGE IN ARIZONA AND CEASE AND DESIST ORDER NO. 0505092**

On March 21, 2006, the Arizona State Board of Nursing ("Board") and ("Remote State") considered the multistate licensure privilege of Michael Jason Bradford ("Privilege Holder") and ("Respondent").

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds professional nurse licensure, with multistate licensure privileges ("Privilege') under the Nurse Licensure Compact ("Compact"), issued by Texas, a Compact State.

2. From on or about April 11, 2005 to on or about May 6, 2005, Respondent was employed as a professional nurse at Del Webb Hospital in Sun City, Arizona. On or about May 3, 2005 at 2335 and 2347, and May 4, 2005 at 0255, Respondent removed 3 vials of morphine sulfate 4 mg. for patient J.H., but failed to account for the medication. On or about May 4, 2005, Respondent was observed to have slow speech, drowsy actions, dilated pupils, a pale and sweaty face, red stains on his clothing, and slow movements. On or about May 4, 2005, Respondent's for cause urine drug screen was positive for morphine.

3. On or about June 29, 2005, on his Investigative Questionnaire, Respondent admitted diverting and using morphine "almost every shift." Respondent wrote if staff said he was impaired, he believed it was true.

4. On or about March 1, 2006, the Board was informed that Respondent was currently in an inpatient drug rehabilitation program in California.

5. On March 21, 2006, the Board voted and ordered Respondent's privilege to practice nursing in Arizona under the Compact rules and statutes revoked. The Board further ordered Respondent to cease and desist the practice of nursing in Arizona.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board has cause to revoke Respondent's privilege under the Nurse Licensure Compact to practice nursing in the State of Arizona, under A.R.S. §32-1663 (E); A.R.S. §32-1668 Article (II) (H), Article (III)(B), and Article (V)(C) of the Compact as set forth for unprofessional conduct as defined in A.R.S. §32-1601(16) (d) and (j), and A.A.C R4-19-403 (1), (11), (12), (13), (14), and (25) (adopted effective July 19, 1995).

ORDER

IT IS ORDERED that Respondent's privilege to practice nursing in the State of Arizona is hereby REVOKED.

IT IS FURTHER ORDERED that Respondent shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. §41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt of this Order and request a public

hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the schedule hearing. The conference will be held within 15 days after the receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact Susan Barber at (602) 889-5161.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: March 21, 2006

JR/SMM:smm

COPY mailed this 24th day of March 2006, by First Class Mail and by Certified Mail Receipt No. 7001 1940 0003 4511 2042 to:

MICHAEL JASON BRADFORD
750 W BASELINE RD #209
TEMPE AZ 85283

And

Copies mailed this 24th day of March by First Class Mail and Certified Mail No.7001 1940 0003 4511 2059 to:

MICHAEL JASON BRADFORD
6009 RUSTON ROAD
TEXARKANA TX 75503

By: D. Lindsey
Legal Secretary

Re: Permanent Certificate Number 698628
Issued to MICHAEL JASON BRADFORD
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of February, 2007, 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 Jason Bradford
6009 Ruston Rd.
Texarkana, Texas 75503

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD