

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 668555 §
issued to ROBERT FRANKLIN SCHULTZ § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of ROBERT FRANKLIN SCHULTZ, Registered Nurse License Number 668555, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 28, 2011, 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 an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on May 23, 2000.
5. Respondent's professional nursing employment history is unknown.
6. On or about August 10, 1998, Respondent was issued a DECLARATORY ORDER OF CONDITIONAL ELIGIBILITY by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Declaratory Order dated August 10, 1998, is attached and incorporated, by reference, as part of this Order.

7. On or about July 31, 2003, Respondent submitted a Texas Online Renewal Document for Registered Nurses and Registered Nurses with Advanced Practice Authorization to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/ or misleading information in that he answered "No" to the question:

"Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)"

Respondent failed to disclose that, on or about January 22, 2002, Respondent was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on March 14, 2001), in the County Criminal Court No. 6 of Dallas County, Texas, under Cause No. MB0132455. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of one hundred and fifty (150) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

8. In response to Finding of Fact Number Seven (7), Respondent states: He has been practicing nursing for almost eleven years with Tarrant County Hospital. After starting his practice, he was arrested for a DWI and completed all the stipulations of the court. Respondent is profoundly sorry for this incident and is willing to accept the Board's decision in this matter.

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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 668555, heretofore issued to ROBERT FRANKLIN SCHULTZ, 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 A FINE, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) 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>.

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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 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 7 day of April, 2011.

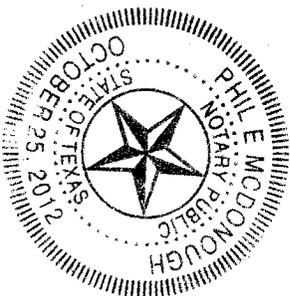
Robert Franklin Schultz
ROBERT FRANKLIN SCHULTZ, Respondent

Sworn to and subscribed before me this 7 day of April, 2011.

SEAL

Phil McDonough

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 7th day of April, 2011, by ROBERT FRANKLIN SCHULTZ, Registered Nurse License Number 668555, and said Order is final.



Effective this 12th day of April, 2011.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

DECLARATORY ORDER
OF
CONDITIONAL ELIGIBILITY

On the date entered below, the Executive Director of the Board of Nurse Examiners, Katherine A. Thomas, MN, RN, considered the Petitions for Declaratory Order and the supporting documents filed by the individuals listed below in accordance with Article 4519a(a), Revised Civil Statutes of Texas, as amended.

FINDINGS OF FACT

1. The following individuals have submitted petitions and supporting documents requesting a Declaratory Order as to their eligibility for licensure.
2. The staff's review of the grounds for potential ineligibility has been made on the basis of each individual's disclosures.
3. Each individual has been advised that incomplete or incorrect disclosures or subsequent acquisition of a basis for ineligibility will be considered and may result in an ultimate determination of ineligibility.
4. Each individual has disclosed a conviction for a non-moral turpitude offense or a Class C misdemeanor.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a), Texas Revised Civil Statutes, Annotated, as amended.
2. The following individuals have submitted petitions in accordance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.
3. This Order is conditioned upon the accuracy and completeness of each individual's disclosures.
4. The Board of Nurse Examiners may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship of the conviction to nursing according to Article 6252-13c, TEX. REV. CIV. STAT. ANN., as amended.

IT APPEARING TO STAFF that the matters disclosed in the petitions and supporting documents of the following individuals are insufficient to deny admission to the NCLEX-RN and licensure, THE FOLLOWING INDIVIDUALS ARE DECLARED CONDITIONALLY ELIGIBLE FOR LICENSURE SUBJECT TO THE RESERVATIONS SET OUT IN THIS ORDER:

NAME OF PETITIONER

Beatriz Carrillo-Blanco
Damian Edward Edmundson
Tammy Michelle McIntosh
Michelle Leigh Roberts

Robert Franklin Schultz
Carla Maria Tadlock
Laura Sue Thornton
Amberly M Vaughn

IT IS FURTHER ORDERED that:

1. Each individual affected by this Order shall, upon graduation from an accredited school of nursing, be subject to the requirements of the Board for entrance to the National Council Licensure Examination for Registered Nurses (NCLEX-RN) and the requirements for licensure upon attaining a passing grade on the NCLEX-RN, Article 4519, TEX. REV. CIV. STAT. ANN., as amended.
2. The Board shall determine eligibility for licensure in accordance with Article 4525(a), TEX. REV. CIV. STAT. ANN., as amended, at the time of application for examination and licensure. Any disclosure by an individual in the Declaratory Order process later found to be incomplete or incorrect or any subsequent conduct or condition constituting a basis for ineligibility shall be considered by the Board in evaluating a graduate nurse's ultimate eligibility.
3. Each individual named in this Order shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Article 4525(b), TEX. REV. CIV. STAT. ANN., as amended.
4. Each individual affected by this Order, upon receiving authorization to practice professional nursing in Texas, shall comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code §211.01 et seq., and this Order.

Entered this 10th day of August, 1998.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



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