

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 691199
ISSUED TO
MATTHEW LEE CREWS

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Matthew Lee Crews
925 River Rd.
Clarksburg, MA 01247

During open meeting held in Austin, Texas, on August 17, 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 691199, previously issued to MATTHEW LEE CREWS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 691199, previously issued to MATTHEW LEE CREWS, 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 17th day of August, 2010.



TEXAS BOARD OF NURSING

BY:

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

Re: Permanent Certificate Number 691199
Issued to MATTHEW LEE CREWS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of August, 20 10, 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):

Matthew Lee Crews
925 River Rd
Clarksburg, MA 01247



BY: _____

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 691199, Issued to §
MATTHEW LEE CREWS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MATTHEW LEE CREWS, is a Registered Nurse holding license number 691199, 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 July 31, 2007, Respondent's license to practice professional nursing in the State of Kansas was REVOKED BY DEFAULT by the Kansas State Board of Nursing, Topeka, Kansas. A copy of the Proposed Default Order to Revoke License, dated July 31, 2007, 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 February 22, 2010, Respondent's license to practice professional nursing in the State of California was REVOKED BY DEFAULT by the Board of Registered Nursing, Department of Consumer Affairs For the State of California, Sacramento, California. A copy of the Default Decision and Order, dated February 22, 2010, 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 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.

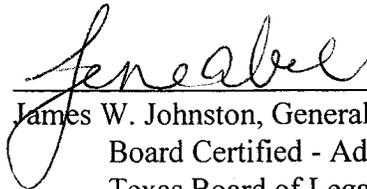
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder.

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 Kansas State Board of Nursing Proposed Default Order to Revoke License and Board of Registered Nursing, Department of Consumer Affairs For the State of California, Default Decision and Order which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Kansas State Board of Nursing Proposed Default Order to Revoke License, dated July 31, 2007, and Board of Registered Nursing, Department of Consumer Affairs For the State of California, Default Decision and Order, dated February 22, 2010.

Filed this 25th day of May, 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: Kansas State Board of Nursing Proposed Default Order to Revoke License, dated July 31, 2007.
Board of Registered Nursing, Department of Consumer Affairs For the State of California,
Default Decision and Order, dated February 22, 2010.

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5339
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-74

12 **MATTHEW LEE CREWS**
13 **925 River Road**
14 **Clarksburg, Massachusetts 01247**

DEFAULT DECISION AND ORDER

15 **Registered Nurse License No. 589514,**

[Gov. Code, §11520]

16 Respondent.

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18 **FINDINGS OF FACT**

19 1. On or about August 6, 2009, Complainant Louise R. Bailey, M.Ed., RN, in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs, filed Accusation No. 2010-74 against Matthew Lee Crews (Respondent)
22 before the Board of Registered Nursing.

23 2. On or about October 16, 2001, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 589514 to Respondent. The Registered Nurse License expired on
25 July 31, 2005, and has not been renewed.

26 3. On or about August 18, 2009, Praveen K. Singh, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Accusation No. 2010-74, Statement
28 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections

1 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
2 is:

3 925 River Road
4 Clarksburg, Massachusetts 01247.

5 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c).

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts
11 of the accusation not expressly admitted. Failure to file a notice of defense shall
12 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
13 may nevertheless grant a hearing.

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
16 2010-74.

17 7. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
21 respondent.

22 8. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 evidence on file herein, finds that the allegations in Accusation No. 2010-74 are true.

25 9. The total cost for investigation and enforcement in connection with the Accusation
26 are One Hundred Seventy Dollars (\$170.00) as of November 17, 2009.

27 DETERMINATION OF ISSUES

28 1. Based on the foregoing findings of fact, Respondent Matthew Lee Crews has
subjected his Registered Nurse License No. 589514 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

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4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

Respondent violated Code section 2761, subdivision (a)(4), in that Respondent's on the basis of discipline imposed by the Kansas State Board of Nursing (Out-of-State Discipline) in that Respondent failed to comply with the terms and conditions of a Diversion Agreement entered into on or about February 21, 2006, with the Kansas State Board of Nursing.

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2010-74

MATTHEW LEE CREWS
925 River Road
Clarksburg, Massachusetts 01247

Registered Nurse License No. 589514

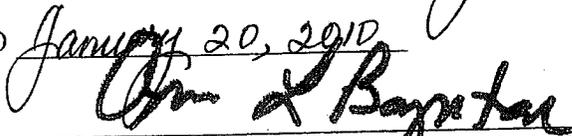
Respondent.

DECISION AND ORDER

IT IS SO ORDERED that Registered Nurse License No. 589514, heretofore issued to Respondent Matthew Lee Crews, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 22, 2010.

IT IS SO ORDERED January 20, 2010

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No.2010-74
Exhibit B: Cost of Suit Summary

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5339
6 Facsimile: (916) 327-8643
7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**
11

12 In the Matter of the Accusation Against:

Case No. 2010-74

13 **MATTHEW LEE CREWS**
925 River Road
14 Clarksburg, Massachusetts 01247
15 Registered Nurse License No. 589514

A C C U S A T I O N

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about October 16, 2001, the Board issued Registered Nurse License
24 Number 589514 to Matthew Lee Crews ("Respondent"). The license expired on July 31, 2005,
25 and has not been renewed.

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27 ///
28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 8. Respondent is subject to discipline under Code section 2761(a)(4), in that
4 effective on or about August 7, 2007, in a matter entitled, *In The Matter of Matthew L. Crews*,
5 *License No. 14-086704-061, Case No. 04-758-0*, Respondent's nursing license was revoked by
6 default, attached hereto as **Exhibit A**, by the Kansas State Board of Nursing, in that Respondent
7 failed to comply with terms and conditions of a Diversion Agreement entered into on or about
8 February 21, 2006, with the Kansas State Board of Nursing.

9 PRAYER

10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 589514, issued to
13 Matthew Lee Crews;
- 14 2. Ordering Matthew Lee Crews to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Code
16 section 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 8/6/09

19 
20 LOUISE R. BAILEY, M.ED., RN
21 Interim Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

25 SA2008304143
26 Accusation(kdg) 7/24/09

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

IN THE MATTER OF
MATTHEW L. CREWS
License No. 14-086704-061

Case No. 04-758-0
OAH No. 08BN0001

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 31st day of July, 2007, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Mark A. Knight, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 6/30/2009. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas. Respondent is to mail the license card to the Kansas State Board of Nursing office immediately.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

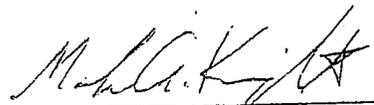
IT IS SO ORDERED.


Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

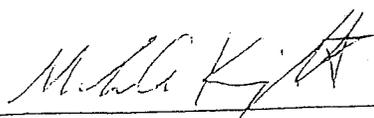
State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230


Mark A. Knight, #12183
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 31st day of July, 2007, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Matthew L. Crews
925 River Road
Clarksburg, MA 01247


Mark A. Knight
Assistant Attorney General

FILED

JUN 29 2007

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

KSBN

Case No. 04-758-0

IN THE MATTER OF
MATTHEW L. CREWS
License No. 14-086704-061

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Mark A. Knight, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 6/30/2007. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 925 River Road, Clarksburg, MA 01247.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:

On or about November 1, 2004, Respondent was working as a nurse for IntelliStat Healthcare, Clearwater, Florida and employed at Los Robles Regional Medical Center, Thousand Oaks, California. While so employed, Respondent diverted Morphine, Demerol, Vicodin, Darvocet, and Hycodan for his own personal use and falsified records in order to do so.

On or about 2/21/2006, Respondent entered a Diversion Agreement with the Kansas State Board of Nursing to resolve the above captioned case.

In the above mentioned Diversion Agreement, Respondent agreed to participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP). On or about 1/18/2007, KNAP closed Respondent KNAP case for non-compliance. KNAP reported that Respondent failed to provide documentation of 12 step meetings, failed to attend Monthly Monitoring Meetings, and failed to submit to random drug screens.

In the above mentioned Diversion Agreement, Respondent agreed that should the Respondent be found to have violated the Diversion Agreement the Respondent could not contest the following established violations: (a) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; (b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient; (c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

VIOLATIONS

6.. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (s) failing to complete the requirements of the impaired provider program of the board.

Count 2. K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 3. K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

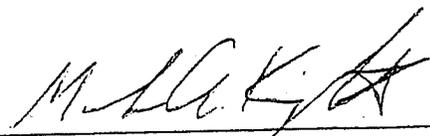
Count 4. K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.

WHEREFORE, Petitioner requests a finding that the Respondent has violated the above mentioned Diversion Agreement, that Respondent has violated the Kansas Nurse Practice Act, that Respondent's license to practice nursing in Kansas be revoked, and that costs of this action should be assessed to the Respondent in the amount of \$70.00.

Respectfully submitted,

Paul Morrison
Kansas Attorney General

By:



Mark A. Knight, #12183
Assistant Attorney General

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE
1300 I Street, Sacramento, CA 95814
Billing Inquiries: (916) 324-5090



Cost-of-Suit Summary

As Of 11/17/2009

Total Legal Costs: \$170.00

Matter ID: SA2008304143

Date Opened: 07/30/2008

Cost-of-Suit: \$0.00

Description CREWS, MATTHEW LEE

Grand Total: \$170.00

Matter	Time/Activity	Summary	Rate	Hrs Wkcd	Amount
Professional Type: Attorney					
FY: 2009-2010					
			\$170.00	1.00	\$170.00
FY 2009-2010 Total:					\$170.00
Attorney Total:					\$170.00
Total Legal Costs:					\$170.00

Entry #	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount
Client/Agency						
FY:						

Component Description:	Amount
	\$0.00
Total:	\$0.00
FY Total:	\$0.00
Client Agency Total:	\$0.00
Cost-of-Suit:	\$0.00