

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 612757 §
issued to JOHN L. HARDAGE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOHN L. HARDAGE, Registered Nurse License Number 612757, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 30, 2008, 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.
2. Respondent waived representation by counsel, informal conference, 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 a Baccalaureate Degree in Nursing from West Texas A&M University, Canyon, Texas, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on January 31, 1995.
5. Respondent's complete nursing employment history is unknown.

6. On or about September 10, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question, "Have you ever been arrested, convicted, placed on community supervision...?" Respondent disclosed the following offense:

On or about February 16, 1999, Respondent was "Convicted" of Driving While Intoxicated, a Misdemeanor, in the County Court at Law #5, Bexar County, Texas, Cause #716481. Respondent was sentenced to ninety (90) days in the Bexar County Jail with the imposition of the sentence suspended, placed on one (1) year probation, and assessed a fine and court costs. On or about March 8, 2000, Order Termination From Community Supervision was granted.

7. On or about December 12, 1994, Respondent submitted an Application for Initial Licensure to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question, "Have you ever been convicted of a crime other than minor traffic violations?" Respondent disclosed the following offense:

On or about March 11, 1988, Respondent was "Convicted" of Driving Under the Influence, a Misdemeanor, in the County Court at Law, Menard County, Texas, Cause #4927. Respondent was sentenced to six (6) months in the Menard County Jail with the imposition of the sentence suspended, and placed on one (1) year probation, and assessed a fine and court costs. On or about May 15, 1990, a Termination Order was granted.

Respondent failed to disclose the following offense:

On or about January 17, 1989, Respondent was "Convicted" and sentence to pay Restitution for Issuance of a Bad Check. On or about January 17, 1989, Respondent paid Restitution and was released from custody.

8. On or about November 23, 2007, Respondent submitted a response stating he voluntarily admitted himself to the Starlite Recovery Center on October 11, 2007. During his stay he received a diagnosis of Substance dependence and poly-substance dependence (alcohol, benzodiazepine and opiates) in full remission.

The evaluations conducted recommended the following treatments:

- Medication and Therapy
- Four AA/NA meetings per week and monitored recovery agreement
- Random Drug Screens
- One meeting has to be a health care professionals meeting in Dr. Mehendale's office.

9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN, and Sections 301.401-301.419, Texas Occupations Code.

10. 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 and mental illness.
11. Respondent's conduct described in the preceding Findings of Fact was significantly influenced by Respondent's dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.13(1) and §217.12 (5).
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 612757, heretofore issued to JOHN L. HARDAGE, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to JOHN L. HARDAGE, to the office of the Texas Board of Nursing within ten (10) days from the date of

ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

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

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of MARCH, 2008.

John L. Hardage
JOHN L. HARDAGE, Respondent

Sworn to and subscribed before me this 12th day of March, 2008.



Alicia Schowe
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 accept and enter the Agreed Order that was signed on the 12th day of March, 2008, by JOHN L. HARDAGE, Registered Nurse License Number 612757, and said Order is final.

Entered and effective this 18th day of March, 2008.


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