

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 698628
ISSUED TO
MICHAEL JASON BRADFORD

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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. Thomas
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 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, 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 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

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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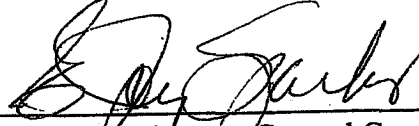
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NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

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.

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 ^{March 21} April 28, 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 ^{Presiding Officer} Commission 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:~~ *ZL 9/1/02*

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).

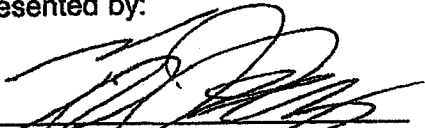
The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit, RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

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 & 2006-05-0029RN

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND FINAL ORDER OF
DEFAULT (Failure to Respond)
Docket No. 05-11-A-1034RN

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE PRIVILEGE 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.

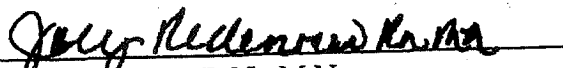
IT IS FURTHER ORDERED that Respondent shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

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