BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	
License Number 176884 and Registered Nurse	§	
License Number 675095	§	REINSTATEMENT
issued to MICAH DANIEL JERRELL	§	AGREED ORDER

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.
Executive Director of the Board

On this day came to be considered by the Texas Board of Nursing, hereinafter refe as the Board, the Petition for Reinstatement of Vocational Nurse license Number 176884, and Reg Nurse License Number 675095, held by MICAH DANIEL JERRELL, hereinafter referred to as Petitioner.

An informal conference was held on October 11, 2011, 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 Bonnie Cone, MSN, RN Executive Director's Designee; John Legris, Assistant 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 a Certificate in Vocational Nursing from Texas Woman's University, on May 9, 2000. Petitioner was licensed to practice vocational nursing in the State of Texas on August 24, 2000. Petitioner received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 15, 2000. Petitioner was licensed to practice professional nursing in the State of Texas on February 6, 2001.

4. Petitioner's nursing employment history includes:

05/00 - 10/00	GVN/LVN	Brockhaven Nursing Center Carrollton, TX
10/00 - 04/01	LVN/RN	Signature Pointe on the Lake Dallas, TX
12/00 - 11/01	LVN/RN	Presbyterian Hospital - Plano Plano, TX
03/01 - 09/01	RN	Star Med Healthcare and Staffing Dallas, TX
11/01 - 02/10	RN	HCA All About Staffing of Texas Irving, TX
03/10 - present	Not employed in nursing	

5. On May 26, 2010, the Board accepted the voluntary surrender of Petitioner's licenses to practice vocational and professional nursing in the State of Texas. A copy of the May 26, 2010, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about July 11, 2011, Petitioner submitted a Petition for Reinstatement of Licenses to practice vocational and professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

   7.1. Respondent's Motion to Dismiss, under Cause No. 2-81991-10, in the County Court at Law Number 2, Collin County, Texas, the motion was granted on May 31, 2011.

   7.2. Letter of support, dated July 2, 2011, from Terri Lytle, RN, McKinney, Texas, states she has known Petitioner for nearly eight (8) years. Although Ms. Lytle has not worked with Petitioner in a nursing capacity, she has seen him work on numerous mission projects through the church. Petitioner has always displayed a high degree of integrity, responsibility, ambition, and dedication to the profession. He is definitely a leader rather than a follower. He has been an excellent clinical reference for pharmacists, physicians and fellow nurses regarding practical pharmaceutical applications in the "real life setting." His eight (8) years combined experience working for Merck & Co., and Bristol-Myers Squibb gave an insider's view of cardiovascular medications. His excellent time management skills allow him to be an available and dependable team player. His good judgment and mature outlook ensure a logical and practical approach to his endeavors. Petitioner has acknowledged that his dedication to work and work projects would very often require more time than is physically possible. Following his car accident in February 2010, he has re-

assessed what the "important" aspects of his life are, including family, spiritual walk, physical health, and how a well-rested nurse will serve his patient in a much better fashion. Petitioner would be an asset to any organization and Ms. Lytle is happy to give him her endorsement.

7.3. Letter of support, dated July 4, 2011, from Richard Watson, RN, BSN, Plano, Texas, states in 2001, he was Petitioner's preceptor for six (6) months during his orientation to the Progressive Care Unit (PCU) at Presbyterian Hospital of Plano. Mr. Watson has worked with numerous students who have substantial knowledge of nursing and science. Each year Mr. Watson notices that only a few outstanding students offer a unique perspective and really embrace their learning of the subject matter. To this date, Petitioner's analytical skills and ability to grasp new ideas are far above those of the vast majority of nurses Mr. Watson has trained. Petitioner ranks as one of the top three (3) nurses with whom Mr. Watson has worked. In Mr. Watson's opinion, Petitioner will once again make an excellent Registered Nurse. He believes that Petitioner will be a far superior nurse than he was previously.

7.4. Negative drug screen collected April 13, 2011.

7.5. Verification of successful completion of at least twenty (20) contact hours of continuing education.

8. On December 5, 2011, Petitioner submitted to a forensic psychological evaluation, with a chemical dependency component, conducted by Jim Womack, PhD. Dr. Womack is of the opinion that Petitioner is at a low risk to engage in any form of criminal conduct in the future. Petitioner does not pose a danger to the community, inasmuch as there are no reported patterns of behaviors associated with intended or unintended risk to others or property. Dr. Womack's opinion is that Petitioner is cognitively and emotionally able and willing to consistently behave in accordance with the Board's Rules and Regulations. Petitioner's acceptance of responsibility for the inappropriate practice of carrying medical supplies from one site to another, and his loss of a positive social image, are seen as positive predictors for his willingness to avoid behaviors constituting unprofessional conduct as identified by the Board.

CONCLUSIONS OF LAW

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

2. 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 MICAH DANIEL JERRELL, Vocational Nurse License Number 176884, and Registered Nurse License Number 675095, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS 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 nurse licensure compact privileges, if any, to practice vocational and professional nursing in the State of Texas.

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

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to MICAH DANIEL JERRELL, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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. PETITIONER 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 PETITIONER'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.*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A

REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(4) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the duration of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(8) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(9) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone

Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER's licenses to practice vocational and professional nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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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 15th day of February, 2012.

MICAH DANIEL JERRELL, Petitioner

Sworn to and subscribed before me this 15th day of February, 2012.

SEAL

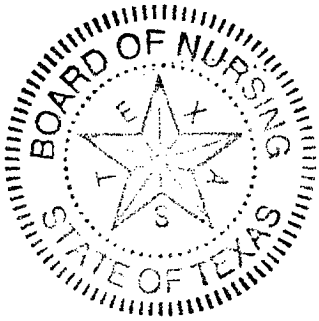
Notary Public in and for the State of Texas

JARED THORNHILL
Notary Public
State of Texas
Comm. Expires 06-13-2015

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 15th day of February, 2012, by MICAH DANIEL JERRELL, Vocational Nurse License Number 176884, and Registered Nurse License Number 675095, and said Order is final.

Effective this 20th day of March, 2012.

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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 675095 §
and Vocational Nurse License Number 176884 §
issued to MICAH DANIEL JERRELL §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 675095 and Vocational Nurse License Number 176884, issued to MICAH DANIEL JERRELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, on May 9, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on August 24, 2000. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 15, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 6, 2001.

4. Respondent's nursing employment history includes:

05/00 - 10/00	GVN/LVN	Brockhaven Nursing Center Carrollton, TX
10/00 - 04/01	LVN/RN	Signature Pointe on the Lake Dallas, TX
12/00 - 11/01	LVN/RN	Presbyterian Hospital - Plano Plano, TX
03/01 - 09/01	RN	Star Med Healthcare and Staffing Dallas, TX
11/01 - 02/10	RN	HCA All About Staffing of Texas Irving, TX
03/10 - Current	Unknown	

5. On or about April 14, 2010, the Texas Board of Nursing notified Respondent of the following allegations:

On or about February 25, 2010, while employed as a Registered Nurse with HCA All About Staffing, Irving, Texas, and assigned to Medical Center of McKinney, McKinney, Texas, Respondent misappropriated the following:

- two hundred (200) ml vial of Propofol
- three (3) vials of Sodium Chloride IV flush
- three (3) vials of ten (10) ml Sodium Chloride
- one (1) needle adapter
- one (1) hypodermic needle
- one (1) IV catheter

On or about February 26, 2010, Respondent was involved in a roll-over motor vehicle accident. Additionally, Respondent was found by the law enforcement agents with an IV infusing into his hands at the scene of the accident.

On or about March 13, 2010, Respondent was arrested by the Collin County Sheriff's Office, Texas, for THEFT PROPERTY >= $500 < $1,500 (a Class A Misdemeanor offense committed on March 13, 2010).

6. On April 15, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated April 15, 2010, is attached and incorporated herein by reference as part of this Order.

7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G),(8),(11)(B)&(13).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 675095 and Vocational Nurse License Number 176884, heretofore issued to MICAH DANIEL JERRELL, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size licenses, heretofore issued to MICAH DANIEL JERRELL, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice professional and vocational nursing, use the title of "Registered Nurse" or "Vocational Nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a Registered Nurse or Vocational Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered Nurse or Vocational Nurse during the period in which the licenses are surrendered.

3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 26th day of May, 2010.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

BOARD OF NURSING STATE OF TEXAS

Texas Board of Nursing, April 15, 2010

I am writing to clarify a letter I sent to the Texas Board of Nursing in early March, 2010. My license #675095 was placed in an "Inactive Status." I wish to VOLUNTARILY SURRENDER my license as I do not plan on practicing nursing in any capacity. I am officially retired from nursing and do not want to carry the responsibility of being a Registered Nurse. I have enjoyed helping numerous patients over the past decade, however do not feel a calling to continue in this field. Thank you for your prompt attention to my wishes. Please immediately place my license into a retired or voluntary surrender status as of the end of February, 2010. Thank you for discontinuing my license!

Sincerely,

Micah Jerrell
2900 Truman Drive
Melissa, TX 75454
(972) 922-2142
License # 675095