



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 P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 148749 §
issued to ALAN JOEL GARF §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Vocational Nurse License Number 148749, issued to ALAN JOEL GARF, 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 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 Certificate in Vocational Nursing from Hill College, Clifton, Texas, on August 5, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 26, 1994.
4. Respondent's complete vocational nursing employment history includes:

09/1994-11/1995	LVN	Goodall-Witcher Healthcare Foundation Clifton, Texas
11/95 - 01/05	LVN	Hillcrest Baptist Medical Center Waco, Texas

Respondent's complete vocational nursing employment history includes (continued):

01/05 - 04/05	LVN	Waco Lung Association Woodway, Texas
04/05 - 07/06	LVN	Hillcrest Baptist Medical Center PoolWaco, Texas
07/06 - 10/06	LVN	Goodall-Witcher Healthcare Foundation Clifton, Texas
11/06 - 07/07	Unknown	
08/07-12/08	LVN	Hillcrest Family Health Center Waco, Texas
12/08- Present	Not employed in Nursing	

5. On or about September 9, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing that required Respondent to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the September 9, 2008, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
6. On or about December 29, 2008, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing, on September 9, 2008. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that Respondent failed to complete the enrollment process within thirty (30) days, stopped calling the Interactive Voice Response (IVR) system, and failed to give a urine drug screen when selected. Additionally, Respondent left a voice mail message indicating that he did not plan to continue with TPAPN. Stipulation Number Three (3) of the Order dated September 9, 2008, reads, in pertinent part:
 - (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.
7. Formal Charges were filed on January 5, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
8. Formal Charges were mailed to Respondent on January 8, 2010.
9. On or about May 4, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in the State of Texas. A copy of Respondent's notarized statement, dated May 4, 2010, is attached and incorporated herein by reference as part of this Order.

10. 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.
11. 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.

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 violations of Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
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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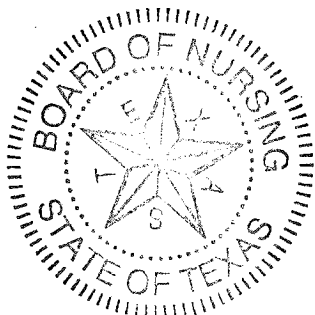
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 148749, heretofore issued to ALAN JOEL GARF, to practice vocational 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 license, heretofore issued to ALAN JOEL GARF, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is 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 vocational nursing in the State of Texas.

Effective this 11th day of May, 2010.



TEXAS BOARD OF NURSING

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

Alan Joel Garf
314 North Avenue H
Clifton, Texas 76634
Texas Vocational Nurse License #148749

Voluntary Surrender Statement

September 29, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature _____

Date _____

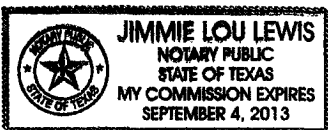
Texas Nursing License Number/s _____

The State of Texas

Before me, the undersigned authority, on this date personally appeared ALAN JOEL GARF who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 5th day of May, 2010.

SEAL



Jimmie Lou Lewis
Notary Public in and for the State of Texas

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 148749 § AGREED
issued to ALAN JOEL GARF § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALAN JOEL GARF, Vocational Nurse License Number 148749, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(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 July 21, 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 vocational nursing in the State of Texas.
- 4. Respondent received a Certificate in Vocational Nursing from Hill College, Clifton, Texas, on August 5, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 26, 1994.
- 5. Respondent's vocational nursing employment history includes:

1994	LVN	Goodall-Witcher Healthcare Foundation
	Floor Nurse	Clifton, Texas

Respondent's vocational nursing employment history (continued):

11/95 - 01/05	LVN	Hillcrest Baptist Medical Center Waco, Texas
01/05 - 04/05	LVN	Waco Lung Association Woodway, Texas
04/05 - 07/06	LVN PRN Float Pool	Hillcrest Baptist Medical Center Waco, Texas
07/06 - 10/06	LVN	Goodall-Witcher Healthcare Foundation Clifton, Texas
11/06 - 07/07	Unknown	Unknown
08/07-Present	LVN	Hillcrest Family Health Center Waco, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Goodall-Witcher Healthcare Foundation, Clifton, Texas, and had been in this position for approximately three (3) months.
7. On or about October 30, 2006, while employed as a Licensed Vocational Nurse at Goodall-Witcher Healthcare Foundation, Clifton, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent committed himself to a detox program at the DePaul Center in Waco, Texas, for treatment of alcohol abuse. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states: "I did commit myself to a detox program at the De Paul Center in Waco for Alcoholism, and do request that I be referred to TPAPN in order to keep my license in effect."
9. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of 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.

11. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's impairment by 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 violation of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 148749, heretofore issued to ALAN JOEL GARF, including revocation of Respondent's license to practice vocational 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 ALAN JOEL GARF, 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

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

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

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

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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.

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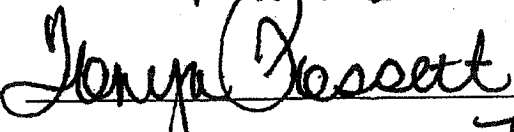
RESPONDENT'S CERTIFICATION

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. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of Aug, 2008.


ALAN JOEL GARF, Respondent

Sworn to and subscribed before me this 25 day of August, 2008.


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 ___ day of _____, 20___, by ALAN JOEL GARF, Vocational Nurse License Number 148749, and said Order is final.

Entered and effective this 9th day of September, 2008.



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

**In the Matter of Permanent License
Number 148749, Issued to
ALAN JOEL GARF, Respondent**

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§
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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALAN JOEL GARF, is a Vocational Nurse holding license number 148749, which is in notified 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 December 29, 2008, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing, on September 9, 2008. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that Respondent failed to complete the enrollment process within thirty (30) days, stopped calling the Interactive Voice Response (IVR) system, and failed to give a urine drug screen when selected. Additionally, Respondent left a voice mail message indicating that he did not plan to continue with TPAPN. Stipulation Number Three (3) of the Order dated September 9, 2008, reads, impertinent part:

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

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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 § 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).

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.

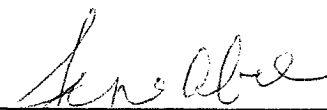
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

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 Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated September 9, 2008.

Filed this 5th day of January, 20 10.

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

Robert Kyle Hensley, Assistant General Counsel
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TEXAS BOARD OF NURSING
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Attachments: Order of the Board dated September 9, 2008

0999/D