



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 Registered Nurse § AGREED
License Number 622089 §
& Vocational Nurse §
License Number 86265 §
issued to CHARLES FRANKLIN HOOVER § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 622089 and Vocational Nurse License Number 86265, issued to CHARLES FRANKLIN HOOVER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal proceedings, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received an Associate Degree in Nursing from Lamar University, Beaumont, Texas, on May 13, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on May 22, 1980; was licensed to practice practical nursing in the State of Massachusetts on September 20, 1988; was licensed to practice professional nursing in the State of Maryland on March 18, 1992; and was licensed to practice professional nursing in the State of Texas on September 5, 1995.
5. Respondent's complete employment history is unknown.

6. Formal Charges were filed July 6, 2009. A copy of the Formal Charges, dated July 6, 2009, is attached and incorporated herein by reference as part of this Order.
7. Formal Charges were mailed to Respondent on July 6, 2009.
8. On or about August 12, 2009, Respondent returned his license to practice professional nursing to the Board, and indicated that he was no longer practicing nursing and that he is innocent of all the allegations.
9. Respondent, by his signature to this Order, expresses his willingness to voluntarily surrender his licenses to practice nursing in the State of Texas.
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)(9),(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 622089 and Vocational Nurse License Number 86265, heretofore issued to CHARLES FRANKLIN HOOVER, including revocation of Respondent's licenses to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of these licenses will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 622089 and Vocational Nurse License Number 86265, heretofore issued to CHARLES FRANKLIN HOOVER, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered nurse" or "vocational nurse," the abbreviation "RN" or "LVN," wear any insignia identifying himself as a registered or vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the licenses are surrendered.
2. 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.
3. 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 multistate privileges, if any, to practice nursing in the State of Texas.

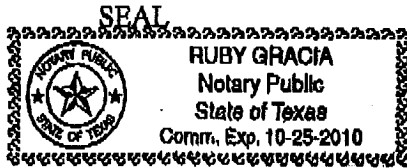
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 24 day of July, 2010.

Charles Franklin Hoover
CHARLES FRANKLIN HOOVER, Respondent

Sworn to and subscribed before me this 24 day of April, 2010.



Ruby Gracia
Notary Public in and for the State of Texas

Approved as to form and substance.


Dan Lype
Dan Lype, Attorney for Respondent

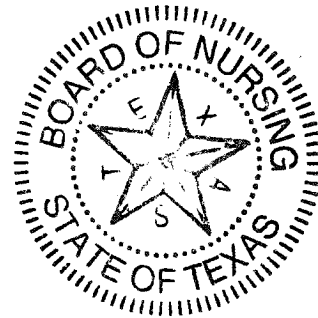
Signed this 28 day of April, 2010.

*From when my partnership is in your New Agreement
taken to sign*

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 622089 and Vocational Nurse License Number 86265, previously issued to CHARLES FRANKLIN HOOVER.

Effective this 30th day of April, 2010.


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



In the Matter of Permanent Registered License § **BEFORE THE TEXAS**
Nurse License Number 622089 §
& Permanent Vocational §
Nurse License Number 86265, Issued to §
CHARLES FRANKLIN HOOVER, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARLES FRANKLIN HOOVER, is a Registered Nurse holding license number 622089, which is in current status at the time of this pleading, and is a Vocational Nurse holding license number 86265, 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 September 9, 2006, while employed as a Staff Nurse with Liberty-Dayton Hospital, Dayton, Texas, Respondent lacked fitness to safely practice nursing due to his exhibiting impaired behavior while on duty, including, but not limited to, being unable to communicate change of shift report, having slurred speech and pinpoint pupils, speaking incoherently, moving extremely slowly, and documenting incorrectly and/or illegibly in the Pyxis system, Kardex, and medical records of patients. Respondent's conduct affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(E),(4)&(5).

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CHARGE II.

On or about September 13, 2006, while employed as a Staff Nurse with Liberty-Dayton Hospital, Dayton, Texas, Respondent lacked fitness to safely practice nursing due to his exhibiting impaired behavior while on duty, including, but not limited to, being disoriented and in a confused state, being confused about patient assignments, walking up and down the hall without purpose, and being unaware of what to do. Respondent was sent to the Emergency Department for evaluation, where he was diagnosed as having narcotic withdrawal after having "run out" of the Norco that he had been taking for several years. Respondent refused to be admitted to the facility for treatment. Respondent's conduct affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(E),(4)&(5).

CHARGE III.

On or about September 13, 2006, while employed as a Staff Nurse with Liberty-Dayton Hospital, Dayton, Texas, Respondent engaged in the intemperate use of Benzodiazepines in that Respondent produced a urine drug screen specimen which tested positive for Benzodiazepines. Possession of Benzodiazepines is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Benzodiazepines by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

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

CHARGE IV.

On or about October 22, 2008, through October 23, 2008, while employed as a Staff Nurse with Liberty-Dayton Hospital, Dayton, Texas, Respondent lacked fitness to safely practice nursing due to his exhibiting impaired behavior while on duty, including, but not limited to, being very sleepy and falling asleep while documenting in medical records. At the end of his shift, facility staff were concerned for Respondent's ability to safely drive a motor vehicle and he was not allowed to drive himself home. Respondent's conduct affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(E),(4)&(5).

CHARGE V.

On or about October 23, 2008, while employed as a Staff Nurse with Liberty-Dayton Hospital, Dayton, Texas, Respondent engaged in the intemperate use of Benzodiazepines in that Respondent produced a urine drug screen specimen which tested positive for Benzodiazepines. Possession of Benzodiazepines is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Benzodiazepines by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

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

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).

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.

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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.

Filed this 6th day of July, 2009.

TEXAS BOARD OF NURSING



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