

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 534508  
ISSUED TO  
MICHAEL E. REYNOLDS

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§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia P. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: MICHAEL E. REYNOLDS  
2116 Strand, Apt 202  
Galveston, TX 77550

During open meeting held in Austin, Texas, on Tuesday, May 12, 2009, 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 appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

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 for rehearing (22 TEX. ADMIN.CODE § 213.2(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 534508, previously issued to MICHAEL E. REYNOLDS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 534508, previously issued to MICHAEL E. REYNOLDS, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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 12<sup>th</sup> day of May, 2009.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of May, 2008, 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 E. Reynolds  
2116 Strand, Apt #202  
Galveston, TX 77550

BY:

  
\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



# Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

**Katherine A. Thomas, MN, RN**  
*Executive Director*

February 20, 2009

Certified Mail No. 7008 1830 0004 1634 8575  
Return Receipt Requested

Michael E. Reynolds  
2116 Strand, Apt #202  
Galveston, TX 77550

Dear Mr. Reynolds:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Kevin G. Freemyer, Investigator. You may obtain legal counsel at your own expense.

**FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.**

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Kevin G. Freemyer, Investigator, Enforcement Division, at the above address, or at (512) 305-8314.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/kgf

Enclosure: Formal Charges

09/99-DA

### Members of the Board

Linda Rounds, PhD, FNP, RN  
Galveston, *President*

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Sent To: Michael  
 Street, Apt. No.; or PO Box No. 2116 St  
 City, State, ZIP+4 Galveston  
 PS Form 3800, August 2006

7008 1830 0004 1634 8575

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 534508, Issued to** §  
**MICHAEL E. REYNOLDS, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL E. REYNOLDS, is a Registered Nurse holding license number 534508, 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 January 24, 2001, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on June 4, 2000), filed in the County Court of Chambers County, Anahuac, Texas, under Cause No. 20103-00. As a result of the conviction, Respondent was sentenced to confinement in the Chambers County Jail for a period of one hundred eighty (180) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to serve seventy-two (72) hours in the Chambers County Jail. Furthermore, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

#### **CHARGE II.**

On or about August 18, 2001, Respondent submitted a RN License Renewal Form to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

Since the issuance or last renewal of your RN license, have you been convicted of a felony or misdemeanor other than a minor traffic violation?

On or about January 24, 2001, Respondent was Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on June 4, 2000), filed in the County Court of Chambers County, Anahuac, Texas, under Cause No. 20103-00.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(22)(effective through September 28, 2004).

### **CHARGE III.**

On or about August 29, 2003, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED - 2nd (a Class A Misdemeanor offense committed on February 12, 2003), filed in the County Court of San Jacinto County, Coldspring, Texas, under Cause No. 03-169. As a result of the conviction, Respondent was sentenced to confinement in the San Jacinto County Jail for a period of three hundred sixty-five (365) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on Community Supervision for a period of two (2) years. Additionally, Respondent was ordered to pay a fine, restitution, and court costs. Furthermore, Respondent was ordered to have an Ignition Interlock Device installed on his vehicle for a period of two (2) years.

On or about August 11, 2005, Respondent was Discharged from Community Supervision, granted under Cause No. 03-169, in the County Court of San Jacinto County, Coldspring, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

### **CHARGE IV.**

On or about July 28, 2005, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

Have you ever been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)

On or about January 24, 2001, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on June 4, 2000), filed in the County Court of Chambers County, Anahuac, Texas, under Cause No. 20103-00.

On or about August 29, 2003, Respondent was Convicted of DRIVING WHILE INTOXICATED - 2<sup>nd</sup> (a Class A Misdemeanor offense committed on February 12, 2003), filed in the County Court of San Jacinto County, Coldspring, Texas, under Cause No. 03-169.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).

### **CHARGE V.**

On or about September 23, 2006, while employed as a Registered Nurse with Pulse Staffing, Houston, Texas, and assigned to Northeast Medical Center, Humble, Texas, Respondent lacked fitness to practice professional nursing in that Respondent had the smell of alcohol on or about his person. 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.

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

### **CHARGE VI.**

On or about September 23, 2006, while employed as a Registered Nurse with Pulse Staffing, Houston, Texas, and assigned to Northeast Medical Center, Humble, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent submitted a specimen for a Blood/Alcohol Test which resulted positive for alcohol. The use of alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and 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 is a violation of 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).

### **CHARGE VII.**

On or about January 25, 2008, while employed as a Registered Nurse with Cypress Fairbanks Medical Center, Houston, Texas, Respondent lacked fitness to practice professional nursing in that Respondent had blood shot eyes and had the smell of alcohol on or about his person. 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.

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

**CHARGE VIII.**

On or about January 25, 2008, while employed as a Registered Nurse with Cypress Fairbanks Medical Center, Houston, Texas, Respondent engaged in the intemperate use of alcohol in that he submitted a specimen for a Blood/Alcohol Test which resulted positive for alcohol. The use of alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and 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 is a violation of 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).

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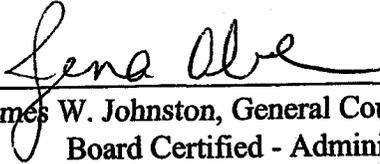
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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 (\$1,200.00).

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](http://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, Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 18<sup>th</sup> day of February, 2009.

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  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
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F: (512) 305-8101 or (512)305-7401

BOARD OF NURSE EXAMINERS  
333 GUADALUPE, SUITE 3-460  
AUSTIN, TEXAS 78701

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2116 Strand, Apt #202  
Galveston, TX 77550

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