

00112727



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 R. Plummer
Executive Director of the Board

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
VS. *
MICHAEL DON FINLEY * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 112727, held by MICHAEL DON FINLEY, hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Respondent.

A prehearing conference was held on August 12, 1996, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Dr. M. Olivia Rivas, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Roxanne Caperton, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

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After reviewing the Complaint and information provided at the prehearing conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that license number 112727, heretofore issued to MICHAEL DON FINLEY to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

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5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Respondent shall be responsible for causing his/her probation officer to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

7. That if Respondent is discharged from court ordered probation, prior to completion of this probationary term, Respondent shall be responsible for causing his/her probation officer to submit a final satisfactory report directly to the Board office.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 12 day of August

^m
1996

Michael Finley

Signature of Respondent

7345 Chaucer PL # B

Current Address

DALLAS TX 75237

City, State and Zip

214, 296-6217

Area Code and Telephone Number

The State of Texas,
County of Tarrant

Before me, the undersigned authority, on this day personally appeared MICHAEL DON FINLEY who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

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SWORN TO AND SUBSCRIBED before me this the 12th day of August,
1996.

Kathleen S. Davis
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-15-99

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 19th day
of August, 1996

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



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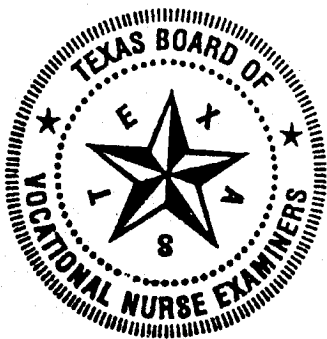
ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 112727
Issued to Michael Don Finley

At its regularly called session, on the 17th day of September, 1996, came on to be considered the indicated Agreed Board Order pertaining to MICHAEL DON FINLEY. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 17th day of September, 1996.

William K. Simon
W. Simon
Bill K. Simon
Susan S. Simon
William K. Simon
Janet K. Simon
Janet K. Simon
Carla McCrean

Kathleen G. Rawlin
Kathleen G. Rawlin
Kathy Rawlin
Lynda Brenner
Melba L. Rawlin



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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 1996,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

MICHAEL DON FINLEY
7345 CHAUCER PL. #B
DALLAS, TX 75237

Marjorie A. Brock, RN
Marjorie A. Brock, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

MICHAEL DON FINLEY

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against MICHAEL DON FINLEY, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 112727, hereinafter called Respondent.

I.

- a. On about January 16, 1996, Respondent submitted his license renewal to the Board of Vocational Nurse Examiners Office. Respondent answered "yes" to the question "Were you convicted of a Felony or Misdemeanor other than a minor traffic violation since your last renewal?".
- b. On or about June 1, 1992, Respondent was placed on Probation with Adjudication of Guilt in the Criminal District Court #3 of Dallas County, Texas, for the Offense of: BURGLARY OF A HABITATION.
- c. On or about February 7, 1994, Respondent received the Judgment Adjudication of Guilt, for the First Degree Felony Offense of: BURGLARY OF A HABITATION in the Criminal District Court, Dallas County, Texas, under Cause Number F9240768-J. Respondent received said Adjudication of Guilt for failing to comply with his court ordered probation.

COMPLAINT

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d. Respondent has been convicted of a crime which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires the maintenance of accurate and complete records, and safeguarding personal property of the patient, client, and employer.

II.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

(29) being convicted of a crime that relates to the practice of vocational nursing.

(A) Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:

(i) Offenses against the person.

III.

Respondent has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas.

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IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against MICHAEL DON FINLEY, LVN #112727, in accordance with the provisions of the laws of the State of Texas.

Kathleen S. Davies

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the _____ day of July 1996.



Linda Rae Kent

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

with the Board of Vocational Nurse Examiners on the 19th day of July

Marjorie A. Bronk, R.N.

Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners