BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of Vocational Nurse License Number 136740 issued to MICHAEL BERDELL GREGG	§ §	AGREED ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referr to as the Board, considered the matter of MICHAEL BERDELL GREGG, Vocational Nurse License Number 136740, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, Sec. 10(a)(1),(2)&(9), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 27, 2007, 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 St. Philips College, San Antonio, Texas, on January 3, 1992. Respondent was licensed to practice vocational nursing in the State of Texas, on May 27, 1992.

5. Respondent's complete vocational nursing employment history is unknown.

6. On or about January 16, 1992, Respondent submitted an Application for Licensure By Examination 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 following question: "Have you ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?" Respondent failed to disclose the following offense:

   On or about May 4, 1988, Respondent was convicted of Driving While Under the Influence - Liquor. Respondent was sentence to two (2) years probation. On or about October 12, 1989, Respondent's probation was revoked.

7. On or about May 9, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question, "Have you ever been convicted, adjudged guilty by a court...?" Respondent disclosed the following offense:

   On or about June 15, 2004, Respondent was convicted of Driving While Intoxicated, a Class B Misdemeanor in the County Court of Law #12, Bexar County, Texas, Cause# 870613. Respondent was sentenced to six (6) months in the Bexar County Jail, with the imposition of sentence suspended, and placed on one (1) year probation, and assessed a fine and court costs in the amount of six hundred eighty-one dollars ($681.00).

8. On or about October 2, 2006, Respondent submitted a written statement related to Finding of Fact number Six (6), in which he stated "At the time I applied for licensure I believed that as the DUI conviction was a traffic misdemeanor and there were no injuries or property involved it would be considered minor traffic. Had I not have believed this I would not have checked no on the application."

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 Article 4528c, Sec. 10(a)(1),(2)&(9), Revised Civil Statutes of Texas, as amended, Tex. Occ. Code §301.452(b)(10) and 22 TEX. ADMIN. CODE §239.11(8)&(28)(M).

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 136740, heretofore issued to MICHAEL BERDELL GREGG, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to vocational 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MICHAEL BERDELL GREGG to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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) contact 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT'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.bne.state.tx.us/about/stipscourses.html.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational 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 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 when this Order becomes final and the terms of this Order become effective, 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 12 day of July, 2007.

Michael Berdell Gregg

MICHAEL BERDELL GREGG, Respondent

Sworn to and subscribed before me this 12th day of July, 2007.

SEAL

Gail M. Crawford

Notary Public in and for the State of Texas

G. M. CRAWFORD
My Commission Expires
June 05, 2011

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 12th day of July, 2007, by MICHAEL BERDELL GREGG, Vocational Nurse License Number 136740, and said Order is final.

Effective this 18th day of July, 2007.

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