

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.
Stephanie P. Plummer
Executive Director of the Board

BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SAMUEL PAUL MOELLER,

Case No. 2014-733

Registered Nurse License No. 594711

Respondent.

DECISION AND ORDER

Pursuant to Title 16 of the California Code of Regulations, section 1403, the attached Stipulated Settlement is hereby adopted by the Board of Registered Nursing as its Decision and Order in the above-entitled matter.

This Decision shall become effective on JANUARY 2, 2015.

IT IS SO ORDERED this 2ND day of JANUARY, 2015.

I hereby certify the foregoing to be a true copy of the documents on file in our office.

REGISTERED NURSING PROGRAM

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. ED., RN



Louise R. Bailey
Louise R. Bailey, M.Ed., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Attorneys for Complainant
6

7 **BEFORE THE**
BOARD OF REGISTERED NURSING
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. 2014-733

11 **SAMUEL PAUL MOELLER**
802 W. Moon Valley Drive
12 Phoenix, AZ 85023

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 **Registered Nurse License No. 594711**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
20 Registered Nursing. She brought this action solely in her official capacity and is represented in
21 this matter by Kamala D. Harris, Attorney General of the State of California, by Frank H. Pacoe,
22 Supervising Deputy Attorney General.

23 2. Samuel Paul Moeller (Respondent) is an attorney at law, licensed to practice law in
24 the State of Arizona and he is representing himself in this proceeding and has chosen not to
25 exercise his right to be represented by counsel.

26 3. On or about February 14, 2002, the Board of Registered Nursing issued Registered
27 Nurse License No. 594711 to Samuel Paul Moeller (Respondent). The Registered Nurse License
28 expired on June 30, 2005, and has not been renewed.

1 JURISDICTION

2 4. Accusation No. 2014-733 was filed before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
4 and all other statutorily required documents were properly served on Respondent on January 27,
5 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
6 Accusation No. 2014-733 is attached as Exhibit A and incorporated by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 2014-733. Respondent also has carefully read, and understands the effects of this
10 Stipulated Surrender of License and Order.

11 6. Respondent is fully aware of his legal rights in this matter, including the right to a
12 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
13 his own expense; the right to confront and cross-examine the witnesses against him; the right to
14 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
15 the attendance of witnesses and the production of documents; the right to reconsideration and
16 court review of an adverse decision; and all other rights accorded by the California
17 Administrative Procedure Act and other applicable laws.

18 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
19 every right set forth above.

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 2014-733, agrees that cause exists for discipline and hereby surrenders his Registered Nurse
23 License No. 594711 for the Board's formal acceptance.

24 9. Respondent understands that by signing this stipulation he enables the Board to issue
25 an order accepting the surrender of his Registered Nurse License without further process.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Board of Registered Nursing.
28 Respondent understands and agrees that counsel for Complainant and the staff of the Board of

1 Registered Nursing may communicate directly with the Board regarding this stipulation and
2 surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
5 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of
6 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
7 the parties, and the Board shall not be disqualified from further action by having considered this
8 matter.

9 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
10 copies of this Stipulated Surrender of License and Order, including Portable Document Format
11 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12 12. This Stipulated Surrender of License and Order is intended by the parties to be an
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
15 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
16 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
17 executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that
19 the Board may, without further notice or formal proceeding, issue and enter the following Order:

20 **ORDER**

21 IT IS HEREBY ORDERED that Registered Nurse License No. 594711, issued to
22 Respondent Samuel Paul Moeller, is surrendered and accepted by the Board of Registered
23 Nursing.

24 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
25 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
26 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
27 license history with the Board of Registered Nursing.

28 / / /

1 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
2 of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
4 issued, his wall certificate on or before the effective date of the Decision and Order.

5 4. If Respondent ever files an application for licensure or a petition for reinstatement in
6 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
7 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
8 effect at the time the petition is filed, and all of the charges and allegations contained in
9 Accusation No. 2014-733 shall be deemed to be true, correct and admitted by Respondent when
10 the Board determines whether to grant or deny the petition.

11 5. If and when Respondent's license is reinstated, he shall pay to the Board costs
12 associated with its investigation and enforcement pursuant to Business and Professions Code
13 section 125.3 in the amount of \$1,400.00. Respondent shall be permitted to pay these costs in a
14 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
15 Board from reducing the amount of cost recovery upon reinstatement of the license.

16 6. If Respondent should ever apply or reapply for a new license or certification, or
17 petition for reinstatement of a license, by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation, No. 2014-733 shall be
19 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
20 Issues or any other proceeding seeking to deny or restrict licensure.

21 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
22 years from the effective date of the Board of Registered Nursing's Decision and Order.

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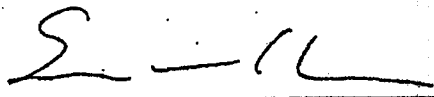
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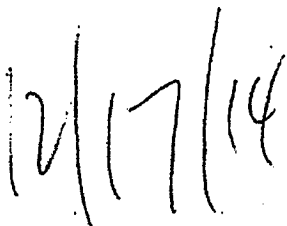
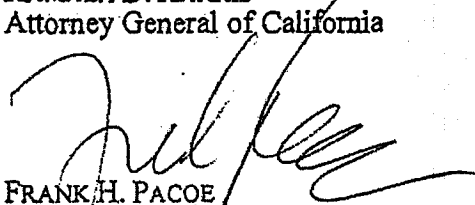
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 12/17/14 
SAMUEL PAUL MOELLER
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:  Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California

FRANK H. PACOE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2014-733

1 KAMALA D. HARRIS
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Attorneys for Complainant

6
7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2014-733

12 **SAMUEL PAUL MOELLER**
13 **800 Brookwater Drive**
14 **McKinney, TX 75071**

ACCUSATION

15 **Registered Nurse License No. 594711**

16 **Respondent.**

17 **Complainant alleges:**

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department
21 of Consumer Affairs.

22 2. On or about February 14, 2002, the Board issued Registered Nurse License Number
23 594711 to Samuel Paul Moeller (Respondent). The Registered Nurse License expired on June 30,
24 2005, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any

1 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
2 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

3 5. Code section 2764 provides that the expiration of a license shall not deprive the
4 Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a
5 decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may
6 renew an expired license at any time within eight years after the expiration.

7 6. California Code of Regulations, title 16, section 1419.3(b), states that "a licensee may
8 renew a license that has been expired for more than eight years by paying the renewal and penalty
9 fees specified in section 1417, and providing evidence that he or she holds a current valid active
10 and clear registered nurse license in another state, a United States territory, or Canada, or by
11 passing the Board's current examination for licensure."

12 7. Section 2761 of the Code states in relevant part(s) that the board may take disciplinary
13 action against a certified or licensed nurse or deny an application for a certificate or license for
14 any of the following:

15 (a) Unprofessional conduct, which includes, but is not limited to, the following:

16 ...

17 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
18 against a health care professional license or certificate by another state or territory of the United
19 States, by any other government agency, or by another California health care professional
20 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
21 action.

22 COST RECOVERY

23 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
27 renewed or reinstated.

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), for out of state discipline as follows:

6 10. On or about April 13, 2006, in *In the Matter of Professional Nurse License No.*
7 *RN138661 Issued to Samuel Paul Moeller, Respondent*, the Arizona State Board of Nursing
8 (Arizona Board) made Findings of Fact, Conclusions of Law and issued Consent Agreement and
9 Order No. 0508076 to accept the voluntary surrender of Respondent's license to practice nursing
10 in the State of Arizona. Further, the Arizona Board required that Respondent wait for a period of
11 five (5) years before applying for reinstatement. The Arizona Board based its license discipline
12 on the following factual circumstances described in the Consent Agreement and Order:

13 a. From January 2005 to about May 18, 2005, Respondent worked for the Visiting Nurse
14 Association in Dallas, Texas. On or about May 18, 2005, Respondent's employment was
15 terminated for poor performance related to documentation.

16 b. From about July 5, 2005, to about August 18, 2005, Respondent worked at Scottsdale
17 Healthcare Osborn in Scottsdale, Arizona, on his multi-state privilege through his nursing license
18 in Texas. On or about August 15, 2005, Respondent tested positive for cannabinoids and opiates
19 in a "for cause" drug screen.

20 c. From about September 7, 2005, to about September 20, 2005, Respondent worked at
21 Kindred Healthcare Scottsdale in Scottsdale, Arizona, on his multi-state privilege through his
22 nursing license in Texas. Respondent's supervisor alleged that Respondent did not take vital
23 signs as required for patients on intravenous medications, and documented vital signs that did not
24 correspond to readings archived on the monitors. Further, Respondent was alleged to have slept
25 through a staff meeting.

26 d. On or about November 18, 2005, Respondent was admitted for in-patient chemical
27 dependency treatment at Chandler Valley Hope.

28 e. On or about December 20, 2005, Respondent admitted that he had been addicted to
Vicodin and that he had been treated for chemical dependency in 2004 in New Mexico.

1 e. On or about January 26, 2006, Respondent was granted a professional nursing license
2 by the Arizona Board. The license was revoked but the revocation was stayed, and the license
3 was placed on probation for a period of twelve (12) months. On or about April 5, 2006,
4 Respondent submitted a letter to the Texas Board stating that he sought treatment from another
5 physician who took him off of medications for Bipolar Disorder. Respondent also stated that he
6 has a prescription drug problem and is in active recovery.

7 f. On or about April 13, 2006, Respondent voluntarily surrendered his license to
8 practice nursing in the State of Arizona as set forth in paragraph 10, above.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 594711, issued to Samuel
13 Paul Moeller;
- 14 2. Ordering Samuel Paul Moeller to pay the Board of Registered Nursing the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
16 section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18

19 DATED: DECEMBER 23, 2013

20 *for* LOUISE R. BAILEY, M.ED., RN
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California
25 Complainant

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