BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 529688	§	REINSTATEMENT
issued to MICHAEL J. ARVIN	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 529688, held by MICHAEL J. ARVIN, hereinafter referred to as Petitioner.

An informal conference was held on May 15, 2001, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Sandra Owen, RN, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, Director of Enforcement; Sunny McShan, RN, Investigator; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

2. Petitioner received an Associate Degree in Nursing from St. Mary's Junior College, St. Paul, Minnesota, on November 1, 1985. Petitioner was originally licensed to practice professional nursing in the State of Texas on March 21, 1986.

3. Petitioner's professional employment history included:

1985 to 1981	GN/Staff Nurse University of Texas Medical Branch Galveston, Texas
1987 to 1990	Agency Nurse Favorite Nurses St. Paul, Minnesota

Petitioner's professional employment history continued:

1987 to 1990	Staff Nurse Hennepin County Medical Center Minneapolis, Minnesota
1988	Agency Nurse Star Med Staffing St. Paul, Minnesota
1987 to 1990	Staff Nurse Health East Midway Hospital St. Paul, Minnesota
1990 to 1994	Assistant Head Nurse University of Texas Medical Branch Galveston, Texas

4. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on April 12, 1995. A copy of the April 12, 1995 Order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this Order.

5. On or about April 9, 2001, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.

6. Petitioner presented the following in support of his petition:

   6.1. Letter of support dated March 28, 2001, submitted by Patty Grow, RN. Ms. Grow worked with Petitioner and has known him for over ten (10) years.

   6.2. Letter of recommendation and support dated January 25, 2001, submitted by Jeanette Bailey, RN, Kohfeldt Elementary, Texas City, Texas. Ms. Bailey verified Petitioner's employment at Kohfeldt Elementary, Texas City, Texas, from August 1985 through August 1998 as a Substitute Teacher. In October 1996, Petitioner accepted a position as Paraprofessional for the Special Education Department at Kohfeldt Elementary. Ms. Bailey states that Petitioner is committed to excellence and is accountable in respect to all the aspects of his job.

   6.3. Letter of reference dated August 23, 2000, submitted by Linda G. Campbell, La Marque, Texas. Ms. Campbell has known Petitioner for over two (2) years and is currently his supervisor at General Motors Acceptance Corporation, League City, Texas.

6.4. Letter of support dated March 28, 2001, submitted by John Madden. Mr. Madden has been Petitioner's sponsor in the program of Narcotics Anonymous since August 1998. Mr. Madden states that Petitioner is working the twelve (12) steps of Narcotics Anonymous and has developed a strong support group consisting of members and friends.

6.5. Letters from five member of the Texas City Here & Now Group of Narcotics Anonymous, Texas City, Texas, verifying that Petitioner attends meetings on a regular basis.

6.6. Verification of successful completion of twenty (20) hours of Continuing Education Units as required by the Board.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of MICHAEL J. ARVIN, license number 529688, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse: 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to MICHAEL J. ARVIN, shall be subject to the following agreed post-licensure conditions for such a time as is required for PETITIONER to successfully complete the

Texas Peer Assistance Program for Nurses (TPAPN):

(6) PETITIONER SHALL, within forty-five (45) days following the issuance of a license to practice professional nursing in the State of Texas, apply to and be accepted into the TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Petitioner's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate privileges, if any, to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petitioner for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8th day of August, 2001.

Michael J. Arvin

MICHAEL J. ARVIN, Petitioner

Sworn to and subscribed before me this 8th day of July, 2001.

SEAL

Esta R Brees

Notary Public in and for the State of Texas

ESTA R. BREES
Notary Public
STATE OF TEXAS
My Comm. Exp. 07 - 28 - 2005

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WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 8th day of August, 2001, by MICHAEL J. ARVIN, license number 529688, and said Order is final.

Effective this 11th day of September, 2001.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate	§
Number 529688 issued to	§
MICHAEL J. ARVIN	§

ORDER OF THE BOARD

To: Michael J. Arvin
234 Barracuda
Bayou Vista, Texas 77563

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 529688, issued to MICHAEL J. ARVIN, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

Respondent waived representation by counsel, informal conference, 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, 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, hearing, and consented to the entry of this Order.

3. That MICHAEL J. ARVIN is currently licensed to practice professional nursing in the State of Texas.

4. That MICHAEL J. ARVIN submitted a notarized statement and professional nurse license number 529688 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 529688, heretofore issued to MICHAEL J. ARVIN, to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. MICHAEL J. ARVIN shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Effective this 12th day of April, 1995.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By: Louise Waddill
Louise Waddill, Ph.D. R.N.
Executive Director on behalf
of said Board