

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Permanent Certificate       §  
Number 2-52636 issued to                   §                   AGREED ORDER  
MICHAEL LYNN HUGGS                       §

On this day came to be considered by the Board of Nurse Examiners for the State of Texas the matter of registered nurse license number 2-52636 held by MICHAEL LYNN HUGGS.

By letter dated August 25, 1989, the Board of Nurse Examiners for the State of Texas gave preliminary notice to MICHAEL LYNN HUGGS of its intent to take disciplinary action with respect to registered nurse license number 2-52636 held by MICHAEL LYNN HUGGS as the result of a Board investigation. The above mentioned investigation produced evidence indicating that MICHAEL LYNN HUGGS may have violated Article 4525(a) (8) and (9), Revised Civil Statutes of Texas, in that:

Respondent, while employed with Gladewater Hospital, Gladewater, Texas, appropriated sublimaze, without authorization, belonging to the aforementioned facility and/or to the patients thereof, during a period of time from June, 1988, through November, 1988.

Respondent, while employed with Gladewater Hospital, Gladewater, Texas, engaged in the intemperate use of sublimaze, during a period of time from June, 1988 through November, 1988.

Respondent, while employed with Roy H. Laird Memorial Hospital, Kilgore, Texas, appropriated sublimaze, without authorization, during a period of time from October, 1988 through November, 1988.

Respondent, while employed with Roy H. Laird Memorial Hospital, Kilgore, Texas, engaged in the intemperate use of sublimaze, during a period of time from October, 1988, through November, 1988.

Respondent, while employed with Roy H. Laird Memorial Hospital, Kilgore, Texas, signed out sublimaze on the Narcotic Record for patients on numerous occasions, but failed to follow the policy for documenting the wastage of sublimaze on four occasions, i.e.,

<u>DATE</u>	<u>PATIENT</u>	<u>DOSAGE SIGNED OUT ON THE NARCOTIC RECORD</u>	<u>DOSAGE NOT DOCUMENTED AS WASTED</u>
November 4, 1988	5853072	2.5 cc	.5 cc
November 4, 1988	5852801	2.5 cc	.5 cc
November 9, 1988	8815680	5 cc	1 cc
November 9, 1988	8815615	5 cc	3 cc

A prehearing conference was held in the office of the Board of Nurse Examiners for the State of Texas on November 7, 1989, with MICHAEL LYNN HUGGS in attendance as well as Louise Waddill, R.N., Ph.D., Executive Secretary, Dr. Eileen Piwetz, R.N., President of the Board, Ray Toburen, Director of Investigation and Enforcement, Sandra Weber, Representing Attorney General's Office, Joan Stewart, General Counsel, and Noemi Leal, Investigator.

At the aforementioned conference, MICHAEL LYNN HUGGS waived his right to be represented by legal counsel. By his appearance at the prehearing conference and by his signature on this Order, MICHAEL LYNN HUGGS does hereby waive his right to a hearing before the Board of Nurse Examiners for the State of Texas, and judicial review of this Order.

After discussion of the matters previously outlined in this Order, and subsequent communications, MICHAEL LYNN HUGGS agreed to the entry of an order dispensing with the need for further disciplinary action in this matter. By his signature on this Order, MICHAEL LYNN HUGGS neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned alleged violations.

#### ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby Order that:

License number 2-52636, heretofore issued to MICHAEL LYNN HUGGS to practice professional nursing in the State of Texas, be and the same is hereby suspended for a period of three (3) years and said license upon receipt of the Order of the Board be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas until such time as he secures employment as a professional nurse.

IT IS FURTHER ORDERED that upon receipt of the notification of employment form in the office of the Board of Nurse Examiners for the State of Texas the suspension be probated for a minimum period of three years (3) years with the following stipulations:

(1) Respondent must return his current certificate of re-registration (wallet size) to the office of the Board of Nurse Examiners for the State of Texas immediately for appropriate notation.

(2) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulations on his license by presenting a copy of this Order to each potential employer. When employment is obtained, Respondent must cause the employer to submit the notification of employment form to the Board office.

(3) That when MICHAEL LYNN HUGGS finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of MICHAEL LYNN HUGGS will be reissued.

(4) That during his employment as a professional nurse, each employer of MICHAEL LYNN HUGGS submit on forms provided by the Board of Nurse Examiners, periodic reports as to his capability to practice professional nursing, such reports are due at the office of the Board of Nurse Examiners at the end of each three months for a minimum period of three (3) years of employment as a registered nurse following receipt of this Order. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(5) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised and works only on regularly

assigned, identified and predetermined unit(s). The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency. Respondent may not be self employed and multiple employers are prohibited.

(6) Respondent may not practice as a professional nurse in any critical care areas for a minimum period of one (1) year as a registered nurse following receipt of this Order. Critical care areas are identified as any intensive care unit, step-down unit, emergency room, operating room and recovery room.

(7) Respondent may not practice as a professional nurse on the night shift, may not rotate shifts, work overtime, accept on call assignments, or be used for coverage on any unit other than the assigned unit(s) for minimum period of one (1) year of employment as a registered nurse following receipt of this Order.

(8) Respondent may not administer or have any contact with controlled substances, Nubain and/or Stadol for a minimum period of one (1) year of employment as a registered nurse following receipt of this Order.

(9) Respondent shall completely abstain from the consumption or injection of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by the prescribing physician or dentist, a report identifying the medication, dosage and the date the medication was prescribed. Respondent shall submit to random

periodic screens for controlled substances and alcohol at least once every week, for a minimum period of three (3) months. If all of the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every month for a minimum period of three (3) months. If all the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every three (3) months for the duration of the probation period. All screens shall be properly monitored and administered by Respondent's employer and personally observed by said individual or a trusted member of his/her staff. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Respondent shall have written reports from the employer sent to the Board of Nurse Examiners concerning the results of the random periodic screens. If any sample tests positive for alcohol, narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from a physician or dentist, they shall report such findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(10) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also after notice and opportunity for hearing extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(11) Respondent shall participate in therapy and written reports as to his progress in therapy, rehabilitation and capability to practice professional nursing shall be submitted to the Board of Nurse Examiners, on forms provided by the Board, from a professional counselor as recognized by the Board, such reports are to be furnished each and every month for a minimum period of three (3) months. If all of the aforementioned reports are acceptable, then the reports shall be required at the end of each three (3) months for the duration of the probation period, or until dismissed from therapy.

(12) Respondent shall provide evidence of attendance of at least two (2) support group meetings per week. The weekly meetings shall consist of (a) a minimum of one (1) impaired nurse support group and (b) another local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners, on forms provided by the Board, at the end of each three (3) months for a minimum period of three (3) years.

(13) That written reports as to his progress in rehabilitation be submitted to the Board of Nurse Examiners, on forms provided by the Board, from his probation officer, such reports to be furnished each and every three months for a minimum period of three (3) years or until he is released from probation.

(14) That, MICHAEL LYNN HUGGS shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

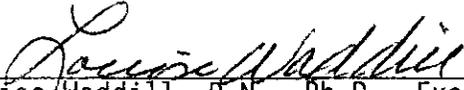
IT IS FURTHER ORDERED that any failure by MICHAEL LYNN HUGGS to comply in all respects with any provision of the Revised Civil Statutes of Texas, as amended, with any provision of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, or any provision of the terms of probation or suspension of license number 2-52636, shall constitute cause for rescision of the probation ordered herein.

IT IS FURTHER ORDERED that, should the probation of the suspension of license number 2-52636, issued to MICHAEL LYNN HUGGS to practice professional nursing in the State of Texas be rescinded, the nurse shall not be eligible for reissuance of a license to practice professional nursing in the State of Texas for three (3) years from the date of the Order of rescision of the probation.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare requires immediate effect of this Order and the same shall be effective on the date herein below rendered and the same may not be stayed except on proper application to a District Court in accordance with Article 4525c, Revised Civil Statutes of Texas, as amended.

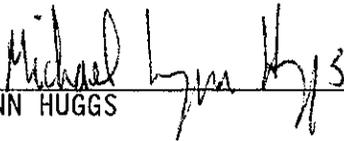
AND IT IS SO ORDERED.

SIGNED AND DATED THIS 30th day of November, 1989.



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Louise Waddill, R.N., Ph.D., Executive Secretary  
Board of Nurse Examiners for the State of Texas

APPROVED AS TO FORM AND AGREED TO;



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MICHAEL LYNN HUGGS

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
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In the Matter of Permanent Certificate §  
Number 2-52636 issued to §  
MICHAEL LYNN HUGGS §

ORDER OF THE BOARD

To: Michael Lynn Huggs  
3549 Ridgecrest Drive  
Jackson, MS 39212

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the 18th day of September, 1986, considered the conduct of MICHAEL LYNN HUGGS, Permanent Certificate Number 2-52636.

At the meeting, Mrs. Mary Virginia Jacobs, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Dr. Jean Pryor, R.N.
Mrs. Karen G. Cure, R.N.	Mrs. A. Joanna Seamans, R.N.
Mrs. Mary Elizabeth Jackson	

Following receipt of information, MICHAEL LYNN HUGGS agreed to a Consent to Board Order from the Board of Nurse Examiners. Respondent was not present at the Board of Nurse Examiners scheduled hearing but did appear at a hearing before the Executive Secretary. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. MICHAEL LYNN HUGGS holds a license to practice professional nursing in Texas which is in delinquent status.

2. Respondent appropriated Fentanyl, during a period of time from January, 1984, through March, 1984, while employed at Mississippi Methodist Hospital and Rehabilitation Center, Jackson, Mississippi.
3. Respondent, while employed at the aforementioned facility, falsified or in a repeatedly negligent manner, made incorrect entries or failed to make essential entries on narcotic control sheets during a period of time from January, 1984, through March, 1984.
4. Respondent's employment at Mississippi Methodist Hospital and Rehabilitation Center was terminated in April, 1984. He reimbursed said facility for the Fentanyl taken by him from the hospital narcotic supply.
5. Respondent successfully completed all three (3) phases of the Impaired Professionals Program sponsored by the Mississippi State Medical Association, Hattiesburg, Mississippi.
6. On or about January 23, 1986, Respondent's license to practice professional nursing in Mississippi was revoked and probated for a minimum period of twelve (12) months.
7. Respondent desires to continue his career in professional nursing.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based upon the information received, Respondent is in violation of Article 4525 (a) (7), Revised Civil Statutes of Texas, as amended.

#### ORDER

IN VIEW OF THE FINDINGS OF FACT, it is hereby ordered that license number 2-52636, heretofore issued to MICHAEL LYNN HUGGS to practice professional nursing in the State of Texas, be and the same is hereby suspended for a minimum period of one (1) year, or until released from probation by the Mississippi Board of Nursing.

IT IS FURTHER ORDERED that the suspension be probated with the following stipulations:

(1) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulations on his/her license by presenting a copy of this order to each potential employer. When employment is obtained, the employer must submit the notification of employment form to the Board office.

(2) That during his employment as a professional nurse, each employer of MICHAEL LYNN HUGGS submit on forms provided by the Board of Nurse Examiners, periodic reports as to his capability to practice professional nursing, such reports are due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum period of one year (1) from the date of this Order. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately. Such reports are to run concurrent with the requirements of the Mississippi State Board of Nursing.

(3) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised. The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency.

(4) Respondent shall completely abstain from the consumption or injection of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by the prescribing physician or dentist, a report identifying the medication and dosage. Respondent shall submit to random periodic screens for controlled substances once

every three (3) months for the duration of the probation period. All screens shall be properly monitored and administered by Respondent's employer and personally observed by this individual or a trusted member of his/her staff. Respondent shall have written reports from the employer sent to the Board of Nurse Examiners on a quarterly basis concerning the results of the random periodic screens. If any sample tests positive for narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from a physician or dentist, they shall report the findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(5) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(6) Respondent shall provide evidence of his bi-monthly attendance at meetings of a local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners at the end of each three (3) months for a minimum period of one (1) year.

(7) That, MICHAEL LYNN HUGGS shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

The Board admonishes Respondent that the prime objective of the nursing profession is to render service to humanity and, whoever chooses this profession, assumes the obligation to conduct themselves in accordance with nursing standards and obey the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare requires immediate effect of this Order and the same shall be effective on the date herein below rendered.

Entered this the 18th day of September, 1986.

Certificate to Order of Board  
In the Matter of Permanent  
Certificate No. 2-52636  
Issued to MICHAEL LYNN HUGGS

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 18th day of September, 1986.

Mary Virginia Jantz, R.N.  
President

Jean Pryor, R.N.

Gaydylak Jackson

Janna Seaman

Pauline Barnes, R.N.

Karen L. Cure, R.N.