

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBERS 654816 AND 163556	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MICHAEL LEON RODGERS	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Michael Leon Rodgers
8508 Early Dawn
Denton, Texas 76203

During open meeting held in Austin, Texas, on February 12, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 654816 and 163556, previously issued to MICHAEL LEON RODGERS, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 654816, previously issued to MICHAEL LEON RODGERS, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional and vocational nursing in the State of Texas.

Entered this 12th day of February, 2008.

TEXAS BOARD OF NURSING

BY:

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 654816 and 163556
Issued to Michael Leon Rodgers
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20____, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Michael Leon Rodgers
8508 Early Dawn
Denton, Texas 76203

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Registered Nurse § **BEFORE THE BOARD**
License Number 654816 and Vocational Nurse § **OF NURSE EXAMINERS**
License Number 163556, Issued to § **FOR THE STATE OF TEXAS**
MICHAEL LEON RODGERS, Respondent §

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL LEON RODGERS, is a Registered Nurse holding license number 654816, which is in current status at the time of this pleading, and a Vocational Nurse holding license number 163556, which is in invalid status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 24, 2006, Respondent threatened to physically harm and kill the Administrator of Living Hope New Boston Medical Center, New Boston, Texas. Subsequently, on February 28, 2006, Respondent was arrested by the Nash Police Department, Nash, Texas, for "Terroristic Threat," a Class B Misdemeanor offense. Respondent's conduct was and is likely to injure patients or the public.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6).

CHARGE II.

On or about June 2, 2006, Respondent entered a plea of "GUILTY" and was convicted of "Terroristic Threat," a Class B Misdemeanor offense committed on February 24, 2006, in the County Court at Law of Bowie County, Texas, under Cause Number 06M0902-CCL. As a result of the conviction, Respondent was sentenced to one hundred eighty (180) days confinement in the Bowie County Jail; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine, court costs and restitution in the amount of five thousand dollars (\$5000.00).

On or about April 10, 2007, a Motion to Revoke Probation was filed in the County Court at Law of Bowie County Texas, under Cause No. 06M0902-CCL. The Motion was filed based

on the Findings by the Court that Respondent had significantly violated the conditions of probation he had previously been granted under Cause No. 06M0902-CCL, including committing the offense of "Theft >\$1500 < \$20K," on or about September 4, 2006, in Titus County, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3),(4),&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE III.

On or about March 28, 2007, an Indictment was entered in the 76th Judicial District Court of Titus County, Texas, under Cause No. CR-15433, after the Grand Jury found that on or about September 4, 2006, Respondent unlawfully appropriated, by acquiring or otherwise exercising control over, property, to-wit: one 1967 Ford Fastback Mustang, of the value of \$1,500.00 or more but less than \$20,000.00, from Larry Lawrence, the owner thereof, with intent to deprive the owner of the property (a State Jail felony offense).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

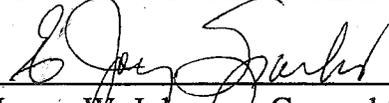
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 25th day of October, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305.8101 or (512)305-7401

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