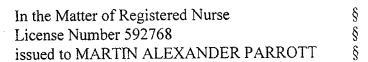
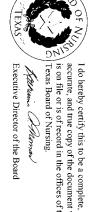
# BEFORE THE TEXAS BOARD OF NURSING

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#### ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Boar accepted the voluntary surrender of Registered Nurse License Number 592768, issued to MARTIN ALEXANDER PARROTT, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

- 1. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status.
- 2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
- 3. Respondent received a Diploma in Nursing from Cambridgeshire College of Health Studies, Peterborough, England on October 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on August 18, 1993.
- 4. Respondent's nursing employment history is unknown.
- 5. On or about August 8, 2011, Respondent received a Decision and Order from the California Board of Registered Nursing wherein Respondent's license to practice professional nursing in the State of California was surrendered with a Stipulated Surrender of License and Order due to a Felony Conviction of possession of child pornography in United States District Court, Central District of California on September 22, 2010. A copy of the Decision and Order issued by the California Board of Nursing dated August 8, 2011 is attached and incorporated by reference as a part of this Order.

- 6. Formal Charges were filed on September 30, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
- 7. Formal Charges were mailed to Respondent on October 4, 2011.
- 8. On October 3, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated September 24, 2011, is attached and incorporated herein by reference as part of this Order.

# **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 violation of Section 301.452(b)(8), Texas Occupations Code.
- 4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
- 5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
- 6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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CONTINUED ON NEXT PAGE.

#### **ORDER**

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 592768, heretofore issued to MARTIN ALEXANDER PARROTT, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

- 1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
- 2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
- 3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 11th day of October, 2011.

By:

TEXAS BOARD OF NURSING

Katherine A. Thomas, MN, RN Executive Director on behalf

of said Board

Martin Alexander Parrott 28842 N. Coal Mountain Ct. Valencia, California 91354 Texas RN License #592768

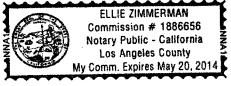
Voluntary Surrender Statement

August 12, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

| S                                 | Signature 6 Dulaileo  |
|-----------------------------------|---|
| r                                 | Date 9/24/11  |
|                                   | Texas Nursing License Number/s592768  |
| The State of CAL, GRIN in         | Notaly Dublic   |
|                                   | MAN NOTARY Public   |
|                                   | thority, on this date personally appeared MARTIN  |
| above for the purpose therein c   | o, being duly sworn by me, stated that he executed the contained and that he understood same. |
| Sworn to before me the 24 7 H day | y of $SEPT$ , , 2011.   |
| SEAL Notary Public in             | n and for the State of CALLORNIA<br>LOS ANGELES.  |
| CAUNTYS                           | LOS ANGELES.  |
|                                   |   |
| ELLIE ZIMMERMAN                   |   |





# Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701 Phone: (512) 305-7400 — Fax: (512) 305-7401 — www.bon.texas.gov

Katherine A. Thomas, MN, RN
Executive Director

October 3, 2011

Certified Mail No.
Return Receipt Requested

91 7199 9991 7030 3846 6274

Return Receipt Requested

Martin Alexander Parrott 28842 N. Cole Mountain Ct. Valencia, California 91354

Dear Mr. Parrott:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of James S. Smelser, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact James S. Smelser, Investigator, Enforcement Division, at the above address, or at (512) 305-6831.

Sincerely,

Katherine A. Thomas, MN, RN

Executive Director

KAT/jss

Enclosure:

Formal Charges

09/99-DA

In the Matter of Permanent License § BEFORE THE TEXAS
Number 592768, Issued to §
MARTIN ALEXANDER PARROTT, §
Respondent § BOARD OF NURSING

#### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARTIN ALEXANDER PARROTT, is a Registered Nurse holding license number 592768, which is in inactive status at the time of this pleading.

Written notice of the facts and conduct alieged 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 August 8, 2011, Respondent received a Decision and Order from the California Board of Registered Nursing wherein Respondent's license to practice professional nursing in the State of California was surrendered with a Stipulated Surrender of License and Order due to a Felony Conviction of possession of child pornography in United States District Court, Central District of California on September 22, 2010. A copy of the Decision and Order issued by the California Board of Nursing dated August 8, 2011 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and 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 Section 301.461, Texas Occupations Code. 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, <a href="https://www.bon.texas.gov">www.bon.texas.gov</a>.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at <a href="https://www.bon.texas.gov/disciplinaryaction/discp-matrix.html">www.bon.texas.gov/disciplinaryaction/discp-matrix.html</a>.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Decision and Order issued by the California Board of Nursing dated August 8, 2011.

Filed this 30H day of September, 2011.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel

Board Certified - Administrative Law Texas Board of Legal Specialization

State Bar No. 10838300

Jena Abel, Assistant General Counsel

State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel State Bar No. 24052269

John F. Legris, Assistant General Counsel State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Decision and Order issued by the California Board of Nursing dated August 8, 2011.

D/2011.09.23

# BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MARTIN ALEXANDER PARROTT 28842 N Coal Mountain Ct Valencia, CA 91354

Registered Nurse License No. 489200

Respondent

Case No. 2011-744

### **DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 8, 2011.

• IT IS SO ORDERED August 8, 2011.

President

Board of Registered Nursing Department of Consumer Affairs State of California

| 1   | KAMALA D. HARRIS<br>Attorney General of California  |
|-----|---|
| 2   | Gloria A. Barrios   |
| 3   | Supervising Deputy Attorney General LINDA L. SUN  |
| 4   | Deputy Attorney General<br>State Bar No. 207108   |
| .5  | 300 So, Spring Street, Suite 1702   |
|     | Los Angeles, CA 90013<br>Telephone: (213) 897-6375  |
| 6   | Facsimile: (213) 897-2804  Attorneys for Complainant  |
| 7   | BEFORE THE  |
| 8   | BOARD OF REGISTERED NURSING   |
| 9.  | DEPARTMENT OF CONSUMER AFFAIRS<br>STATE OF CALIFORNIA   |
| 10  |   |
| 11  | In the Matter of the Accusation Against: Case No. 2011-744  |
| 12  | MARTIN ALEXANDER PARROTT 28842 N. Coal Mountain Ct.   |
| 13  | Valencia, CA 91354 STIPULATED SURRENDER OF Registered Nurse License No. 489200 LICENSE AND ORDER  |
| 14  |   |
|     | Respondent.   |
| 15  |   |
| 16  | IT IS HEREBY STIPULATED AND AGREED by and between the parties in this                             |
| 17  | proceeding that the following matters are true:   |
| 18  | <u>PARTIES</u>  |
| 19  | 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of             |
| .20 | Registered Nursing (Board). She brought this action solely in her official capacity and is        |
| 21  | represented in this matter by Kamala D. Harris, Attorney General of the State of California, by   |
| 22  | Linda L. Sun, Deputy Attorney General   |
| 23  | 2. Martin Alexander Parrott (Respondent) is representing himself in this proceeding and           |
| 24  | has chosen not to exercise his right to be represented by counsel.                                |
| 25  | 3. On or about March 31, 1993, the Board issued Registered Nurse License No. 489200               |
| 26  | to Respondent. The Registered Nurse License was in full force and effect at all times relevant to |
| 27  | the charges brought in Accusation No. 2011-744 and will expire on August 31, 2012, unless         |
| 28  | renewed.  |

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#### JURISDICTION

Accusation No. 2011-744 was filed before the Boardand is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 4, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2011-744 is attached as Exhibit A and incorporated by reference.

#### ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 2011-744. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

#### CULPABILITY

- Respondent admits the truth of each and every charge and allegation in Accusation 8. No. 2011-744, agrees that cause exists for discipline and hereby surrenders his Registered Nurse License No. 489200 for the Board's formal acceptance.
- Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Registered Nurse License without further process.

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- and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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#### ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 489200, issued to Respondent Martin Alexander Parrott, is surrendered and accepted by the Board of Registered Nursing.

- 14. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.
- 15. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.
- 16. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 17. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-744 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.
- 18. If and when Respondent's license is reinstated, he shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of one thousand two hundred and thirty dollars (\$1230.00.) Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.
- 19. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

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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: 4-28-2011

MARTIN ALEXANDER PARROTT

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:

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6-13-2-11

Respectfully submitted,

KAMALA D. HARRIS Attorney General of California

GLORIA A. BARRIOS Supervising Deputy Attorney General

LINDA L. SUN

Deputy Attorney General Attorneys for Complainant

LA2011600168 50882304.docx

Exhibit A

Accusation No. 2011-744

| 1    | KAMALA D. HARRIS  |  |
|------|---|--|
| 2    | Attorney General of California GLORIA A. BARRIOS  |  |
| 3    | Supervising Deputy Attorney General LINDA L. SUN  |  |
| 4    | Deputy Attorney General State Bar No. 207108  |  |
| 5    | 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013   |  |
| 6    | Telephone: (213) 897-6375 Facsimile: (213) 897-2804   |  |
| 7    | Attorneys for Complainant   |  |
| 8    | BEFORE THE BOARD OF REGISTERED NURSING  |  |
| 9    | DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA  |  |
| 10   | null null   |  |
| 11   | In the Matter of the Accusation Against: Case No. 2011-744  |  |
| 12   | MARTIN ALEXANDER PARROTT 28842 N. Coal Mountain Ct.   |  |
| 13   | Valencia, CA 91354 Registered Nurse License No. 489200 A C C U S A T I O N                        |  |
| 14   | Respondent.   |  |
| 15   |   |  |
| 16   | Complainant alleges:  |  |
| 17   | PARTIES   |  |
| .18  | 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her                 |  |
| 19   | official capacity as the Executive Officer of the Board of Registered Nursing (Board),            |  |
| 20   | Department of Consumer Affairs.   |  |
| 21   | 2. On or about March 31, 1993, the Board issued Registered Nurse License Number                   |  |
| 22 . | 489200 to Martin Alexander Parrott (Respondent). The Registered Nurse License was in full         |  |
| 23   | force and effect at all times relevant to the charges brought herein and will expire on August 31 |  |
| 24   | 2012, unless 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.  |  |

#### STATUTORY PROVISIONS

- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
  - 8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
  - "(b) Failure to comply with any mandatory reporting requirements.
  - "(c) Theft, dishonesty, fraud, or deceit.

- "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."
- 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### CAUSE FOR DISCIPLINE

#### (Substantially-Related Conviction)

- Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that he was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:
  - a. On or about September 22, 2010, in criminal proceeding entitled USA v. Parrott, in the United States District Court, Central District of California. Case Number 2:10-cr-00460-GAF-1, Respondent was convicted on a plea of guilty to one count of violating 18 U.S.C. §§ 2252A(a)(5)(B) possession of child pornography in e-mail a felony. The circumstances surrounding the conviction are that between on or about June 25, 2007 and October 9, 2007, Respondent used his America Online (AOL) account and traded with others videos of child pornography, that is, visual depictions of minors engaged in sexually explicit conduct. Respondent knowingly possessed at least twenty-two (22) such videos in the AOL e-mail account.

#### PRAYER

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

1. Revoking or suspending Registered Nurse License Number 489200, issued to Martin Alexander Parrott:

Accusation ;