

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.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 610645 §
issued to PATRICK W. DWYER §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 610645, issued to PATRICK W. DWYER, 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 is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Anoka-Ramsey Community College, Cambridge, Minnesota, on June 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on October 20, 1994.

4. Respondent's nursing employment history includes:

6/93 - 8/95	Unknown	
09/1995 to 01/1998	CICU RN	All Saints Episcopal Hospital Fort Worth, Texas
08/1997 to 05/1998	Special Care RN	Columbia Homecare Richardson, Texas

Respondent's nursing employment continued:

02/1998 to 05/1998	Infusion RN	Infusion Management Systems Arlington, Texas
06/1998 to 11/2008	RN Critical Care	Baylor University Medical Center Dallas, Texas
12/2008 to 04/2009	Unknown	
05/2009 to 08/2010	RN Research	Texas Health Resource Presbyterian Hospital, Dallas, Texas
08/2010 to Present	Contract Analyst	Adam's & Martin Group Dallas, Texas

5. On or about February 2, 2008 through February 13, 2008, while employed as a Registered Nurse with Baylor University Medical Center, Dallas, Texas, Respondent withdrew Norco and Dilaudid from the Medication Dispensing System (Omni Cell) for patients that were not assigned to his care and failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could result in an overdose.
6. On or about February 2, 2008 through February 13, 2008, while employed as a Registered Nurse with Baylor University Medical Center, Dallas, Texas, Respondent withdrew Norco and Dilaudid from the Medication Dispensing System (Omni Cell) for patients in order to misappropriate these medications for his own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
7. On or about February 13, 2008, while employed as a Registered Nurse with Baylor University Medical Center, Dallas, Texas, Respondent engaged in the intemperate use of Hydromorphone in that Respondent produced a specimen for a drug screen which resulted positive for Hydromorphone. Possession of Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On July 19, 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 July 19, 2011, is attached and incorporated herein by reference as part of this Order.

9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

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 violations of Section 301.452(b)(9),(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(C),(5),(6)(G),(8),(10)(A),(D),(E)&(11)(B).
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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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 610645, heretofore issued to PATRICK W. DWYER, 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; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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 2nd day of September, 2011.



TEXAS BOARD OF NURSING

By: _____

Katherine A. Thomas

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

Patrick W. Dwyer
2203 Bennington Drive
Arlington, Texas 76018
Texas RN License #610645

Voluntary Surrender Statement

July 15, 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.

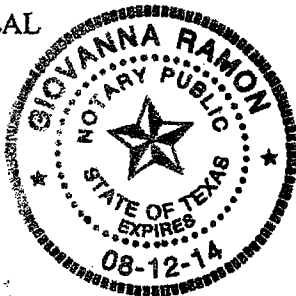
Signature Patrick W. Dwyer
Date July 19, 2011
Texas Nursing License Number/s 610645

The State of Texas

Before me, the undersigned authority, on this date personally appeared PATRICK W. DWYER who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 19th day of July, 2011.

SEAL



[Signature]
Notary Public in and for the State of Texas