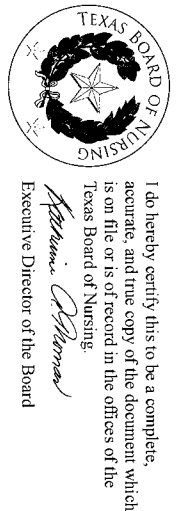


IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 59993
ISSUED TO
RICHARD PAUL BRACKETT

§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



ORDER OF THE BOARD

TO: Richard Paul Brackett
1656 Hallowell Road
Litchfield, Maine 04350

During open meeting held in Austin, Texas, on November 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 license to practice 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 § 213.16(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.

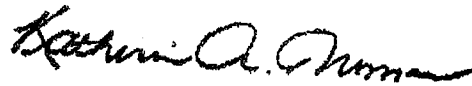
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 59993, previously issued to RICHARD PAUL BRACKETT, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 8th day of November, 2011.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed August 11, 2011.


Re: Permanent Certificate Number 59993
Issued to Richard Paul Brackett
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2011, 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):

Richard Paul Brackett
1656 Hallowell Road
Litchfield, Maine 04350

BY:



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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 59993, Issued to §
RICHARD PAUL BRACKETT, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RICHARD PAUL BRACKETT, is a Vocational Nurse holding license number 59993, which is in delinquent 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 September 27, 2006, while holding a Vocational Nursing License in the State of Texas, Respondent was denied licensure by endorsement by the State of Maine Board of Nursing as a result of Respondent's immediate and permanent revocation of his Physician's Assistant License by the Maine State Board of Medicine regarding drug trafficking charges and subsequent criminal convictions. A copy of the Denial Notification issued by the State of Maine Board of Nursing dated September 27, 2006 and the Consent Agreement issued by the Maine State Board of Medicine dated September 12, 2006 are 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 revocation of Respondent's license 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).

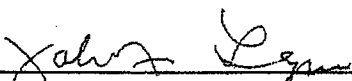
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Denial Notification issued by the State of Maine Board of Nursing dated September 27, 2006 and the Consent Agreement issued by the Maine State Board of Medicine dated September 12, 2006.

Filed this 16th day of August, 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: Denial Notification issued by the State of Maine Board of Nursing dated September 27, 2006 and the Consent Agreement issued by the Main State Board of Medicine dated September 12, 2006.

D/2010.12.28



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

STATE OF MAINE }
COUNTY OF KENNEBEC }

I, Myra Broadway, Executive Director for the Maine State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the enclosed document, in the matter of **Richard P. Brackett**, is a true and correct copy of said document as it appears among the files and records of this office.

WITNESS my hand and seal of the Board of Nursing, this 31st day of March 2010.

MAINE STATE BOARD OF NURSING

By: Myra Broadway

Myra A. Broadway, J.D., M.S., R.N.
Executive Director
Custodian of Records



PRINTED ON RECYCLED PAPER



JOHN ELIAS BALDACCIO
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

MYRA A. BROADWAY, J.D., M.S., R.N.
EXECUTIVE DIRECTOR

October 3, 2006

Richard P. Brackett
1656 Hallowell Road
Litchfield, ME 04350

Dear Mr. Brackett:

At its September 27-28, 2006 meeting, the Board reviewed and voted to deny your request for application for license as a licensed practical nurse by endorsement.

You may appeal this decision and request a formal hearing before the Board by filing a written request with the Board within 30 days of receipt of this letter. Do not hesitate to contact this office if you have any questions.

Sincerely,

Myra A. Broadway, J.D., M.S., R.N.
Executive Director

MAB:vis

pc: John H. Richards, Assistant Attorney General

CERTIFIED MAIL RETURN RECEIPT REQUESTED 7004 2890 0001 1608 9320



PRINTED ON RECYCLED PAPER



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE
137 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0137

EDWARD DAVID, M.D., J.D.
CHAIRMAN

RANDAL C. MANNING
EXECUTIVE DIRECTOR

July 12, 2006

**SENT VIA FIRST CLASS AND CERTIFIED MAIL 7003 3110 0004 1522 6876
RESTRICTED DELIVERY, RETURN RECEIPT REQUESTED**

Richard Brackett, P.A.-C
Rt. 1 Box 182
Litchfield, ME 04350

Re: Summary suspension of Physician's Assistant License

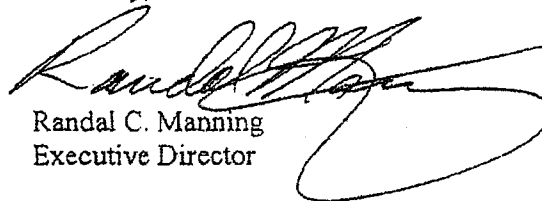
Dear Mr. Brackett:

This letter is to inform you that at the July 11, 2006 meeting of the Board of Licensure in Medicine the Board reviewed information and voted to issue a complaint against you. That complaint, together with the underlying information, will be sent to you under separate cover.

In addition, pursuant to Title 5 M.R.S.A. 10004(3) the Board voted to suspend your physician's assistant license effective immediately based upon the immediate jeopardy that your continued practice of medicine as a physician's assistant poses to the safety of the public. Your license is suspended effective July 11, 2006, for a period of thirty (30) days. An Adjudicatory Hearing will take place at a later date. Notice of the time date and location of the Adjudicatory Hearing will be sent to you forthwith.

Because your license is under suspension, immediately return the license to this office at the address above.

Sincerely,


Randal C. Manning
Executive Director

RCM/msl
cc: Dennis E. Smith, AAG
Barbara Eckhardt, Clerk IV

RECEIVED
JUL 31 2006
BOARD OF LICENSURE IN MEDICINE

CONSENT
AGREEMENT

STATEMENT OF FACTS

- 1-

Brackett's physician assistant license and to summarily suspend his license for thirty (30) days. The Board docketed the complaint as CR06-222.

3. This Consent Agreement is being offered and negotiated by and between the Office of the Attorney General and Mr. Brackett. Absent Mr. Brackett's acceptance of this Consent Agreement by signing it, dating it, having it notarized, and returning it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before August 15, 2006, the Board will resolve this matter by holding an adjudicatory hearing.

4. Absent the Board's acceptance of this Consent Agreement by ratifying it by a vote of the majority of the Board, the matter will proceed to an adjudicatory hearing.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Mr. Brackett agrees to the following :

5. Mr. Brackett neither admits nor denies the basis of complaint CR06-222. However, Mr. Brackett concedes that the Board could reasonably conclude by the preponderance of the evidence that the alleged conduct occurred and could constitute grounds for discipline pursuant to 32 M.R.S.A. § 3282-A.

6. As discipline for complaint CR06-222, Mr. Brackett agrees to the IMMEDIATE AND PERMANENT REVOCATION of his physician assistant

license in the State of Maine. Mr. Brackett shall never again apply for licensure as a physician assistant in the State of Maine.

7. Mr. Brackett waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Mr. Brackett agrees that this Consent Agreement and Order is a final order resolving the complaint CR06-222. This Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.

8. The Board and the Office of the Attorney General may communicate and cooperate regarding Mr. Brackett or any other matter relating to this Consent Agreement.

9. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.

10. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

11. The Board and Mr. Brackett agree that no further agency or legal action will be initiated against him by the Board based upon complaint CR06-222.

12. Mr. Brackett acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with

an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, RICHARD BRACKETT, P.A.-C, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED:

7-28-06


RICHARD BRACKETT, P.A.-C

STATE OF

Maine

Androscoggin

, S.S.

Personally appeared before me the above-named Richard Brackett, P.A.-C, and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED:

7-28-06



NOTARY PUBLIC/ATTORNEY

at the J. W. Dyk

MY COMMISSION ENDS:


STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 9-12-06


EDWARD DAVID, M.D., Chairman

STATE OF MAINE OFFICE
OF THE ATTORNEY GENERAL

DATED: 9/12/06


DENNIS E. SMITH
Assistant Attorney General

Effective Date: