

IN THE MATTER OF §
PERMANENT REGISTERED NURSE §
LICENSE NUMBER 571026 & §
PERMANENT VOCATIONAL NURSE §
LICENSE NUMBER 129278 §
ISSUED TO §
JOHN EDWARD BEAL §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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 P. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: JOHN EDWARD BEAL
13087 CRYSTAL TRAIL
CONROE, TX 77306

During open meeting held in Austin, Texas, on Tuesday, September 11, 2012, the Texas Board of Nursing 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 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(s) to practice 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 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 Registered Nurse License Number 571026, and Permanent Vocational Nurse License Number 129278, previously issued to JOHN EDWARD BEAL, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 11th day of September, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed May 7, 2012.

Re: Permanent Registered Nurse License Number 571026
& Permanent Vocational Nurse License Number 129278
Issued to JOHN EDWARD BEAL
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2012, 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):

JOHN EDWARD BEAL
13087 CRYSTAL TRAIL
CONROE, TX 77306

BY:



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

In the Matter of Registered Nurse License § BEFORE THE TEXAS
Number 571026 and Vocational Nurse License §
Number 129278, Issued to §
JOHN EDWARD BEAL, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOHN EDWARD BEAL, is a Registered Nurse holding license number 571026, which is in current status at the time of this pleading and a Vocational Nurse holding license number 129278, 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 December 12, 2009, while employed as a Registered Nurse with Conroe Regional Medical Center, Conroe, Texas, Respondent lacked fitness to practice professional nursing in that after failing to arrive at work at his scheduled time, Respondent was contacted and stated he had overslept and would report to work late. After Respondent arrived at work, there was concern regarding his demeanor and behavior which consisted of a failure to respond to questions, vacant expression and inability to focus. Subsequently Respondent was directed to take a urine drug screen which resulted positive for alcohol @ 72ng/ml and for Amphetamine @ >4000ng/ml. Respondent admitted to consuming Nyquil and whiskey with lemon the previous night and was terminated. The use of alcohol and Amphetamine 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).

CHARGE II.

On or about February 18, 2010, while participating in the Texas Peer Assistance Program for Nurses under a third party referral, Respondent was assessed by Anna M. Leason, LCSW and diagnosed with Alcohol Abuse; Major Depressive Disorder Recurrent; Moderate and Attention-Deficit/Hyperactivity Disorder-Predominantly Inattentive Type. On March 2, 2010, Respondent was re-assessed by Adrienne Banks, LCDC and diagnosed with Alcohol Dependence with recommendations that he undergo Intensive Outpatient Treatment and Individual Therapy. On June 21, 2010, Respondent became non-compliant with his self-referral contract with the Texas Peer Assistance Program and was terminated on September 7, 2010 for non-compliance and missing 24 calls to the drug testing call center. Respondent's condition may prevent her from delivery safe nursing care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(9).

CHARGE III.

On or about September 5, 2010, Respondent submitted an on-line renewal application to the Texas Board of Nursing-Registered Nurse in which he provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or in compliance with TPAPN)"

On or about January 17, 2010, Respondent signed a Texas Peer Assistance Program for Nurses (TPAPN), Participation Agreement, with a diagnosis of Alcohol Abuse; Major Depressive Disorder Recurrent; Moderate and Attention-Deficit/Hyperactivity Disorder-Predominantly Inattentive Type. Respondent was re-assessed on March 2, 2010, by Adrienne Banks, LCDC and diagnosed with Alcohol Dependence with recommendations that Respondent undergo Intensive Outpatient Treatment and Individual Therapy. Respondent participated in the TPAPN program until he became non-compliant on June 21, 2010.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).

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, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

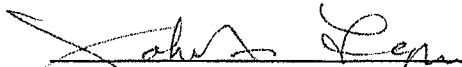
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

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Filed this ^{of} 17th day of May, 2012.

TEXAS BOARD OF NURSING



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