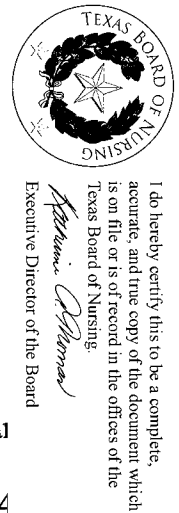


BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 604549 § AGREED
issued to JAMES MICHAEL BUSH § ORDER



On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAMES MICHAEL BUSH, Registered Nurse License Number 604549, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 19, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Patty Hanks Shelton - School of Nursing (Intercollegiate), Abilene, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 1994.
5. Respondent's professional nursing employment history includes:

06/94 - 02/98

RN

Abilene Regional Medical Center
Abilene, TX

Respondent's professional nursing employment history (continued):

02/98 - 09/09	RN	Abilene Diagnostic Clinic Abilene, TX
10/09 - 03/10	RN	Fisher County Hospital District Rotan, TX
4/10 - present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Fisher County Hospital District, Rotan, Texas, and had been in this position for approximately four (4) months.
7. On or about February 11, 2010, through February 17, 2010, while employed as a Registered Nurse with Fisher County Hospital, Rotan, Texas, Respondent misappropriated medications, including but not limited to, Nubian, from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
8. In response to Finding of Fact Number Seven (7), Respondent admits that he has a drug addiction. Respondent states that he has successfully completed a twenty-eight (28) day in-patient intensive drug treatment program, as well as an intensive out-patient treatment program at the Ranch at Dove Tree, Lubbock, Texas. Additionally, Respondent states that he is attending aftercare meetings and daily meetings through Alcoholics Anonymous. Lastly, Respondent states that he is currently living in a sober living community known as The Door, in Lubbock, Texas.
9. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G)&(8).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 604549, heretofore issued to JAMES MICHAEL BUSH, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to JAMES MICHAEL BUSH, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.


Signed this 14 day of July, 2010.



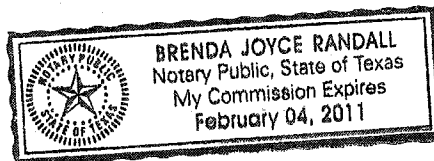
JAMES MICHAEL BUSH, Respondent

Sworn to and subscribed before me this 14th day of July, 2010.

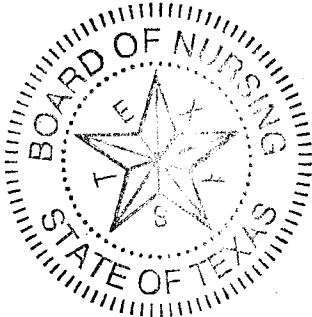
SEAL



Notary Public in and for the State of TX



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the ____
14th day of July, 20 10, by JAMES MICHAEL BUSH, Registered Nurse License Number 604549, and said Order is final.



Entered and effective this 23 day of July, 20 10.

Katherine A. Thomas

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