



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of § ELIGIBILITY
CHRISTOPHER NEAL MUELLER §
APPLICANT for Eligibility for Licensure § AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Te hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by CHRISTOPHER NEAL MUELLER, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on September 14, 2002, by Katherine A. Thomas, MN, RN, Executive Director subject to ratification by the Board.

FINDINGS OF FACT

1. On or about August 21, 2002, Applicant submitted a Temporary License/Endorsement Application in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Pima Community College, Tucson, Arizona, in July 1990.
4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Ten (10), which reads as follows: "*Have you ever had disciplinary action taken against your license by any licensing/certifying authority in any country, state, province or territory?*"

5. On December 18, 2001, Applicant's license to practice professional nursing in the State of Arizona was issued a Consent Agreement and Order by the Arizona State Board of Nursing. A copy of the Findings of Fact, Conclusions of Law and Order issued by the Arizona State Board of Nursing on December 18, 2001, is attached and incorporated by reference as part of this Order.
6. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, his past behavior conforms to the Board's professional character requirements.
7. After considering the action taken by the Arizona State Board of Nursing along with Applicant's conduct since December 18, 2001, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. On September 14, 2002, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
9. Applicant presented sufficient evidence that he would not pose a direct threat to the health and safety of patients and the public provided Applicant complies with the stipulations outlined in this Order.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
11. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted a Temporary License/Endorsement Application in compliance with 301.260 *et seq.*, Texas Occupations Code.
3. The evidence in Finding of Fact Number Five (5) is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.

4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of CHRISTOPHER NEAL MUELLER, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

(1) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a Texas course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(2) APPLICANT SHALL, within one (1) year of entry of this Order, successfully complete a Texas course in physical assessment. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. APPLICANT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours which shall be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of physical assessment only. To be

approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. APPLICANT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. APPLICANT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify APPLICANT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

(3) APPLICANT SHALL, within one (1) year of entry of this Order, successfully complete a Texas course in nursing ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, AT THE TIME OF INITIAL LICENSURE, SHOULD APPLICANT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT'S PROFESSIONAL NURSING PRACTICE SHALL BE LIMITED

TO A CLINICAL PRACTICE SETTING. DURING THIS STIPULATION PERIOD, APPLICANT SHALL NOT BE SELF-EMPLOYED OR CONTRACT FOR SERVICES. APPLICANT SHALL NOT BE EMPLOYED BY A NURSE REGISTRY, TEMPORARY NURSE EMPLOYMENT AGENCY, HOME HEALTH AGENCY OR MULTIPLE EMPLOYERS. APPLICANT SHALL PRACTICE UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT AS A REGISTERED NURSE. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) APPLICANT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each present employer within five (5) days of receipt of this Order. APPLICANT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

(5) APPLICANT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Applicant by the Board, to the Board's office within ten (10) days of receipt of this Order. APPLICANT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Applicant by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(6) APPLICANT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as APPLICANT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) APPLICANT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to APPLICANT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

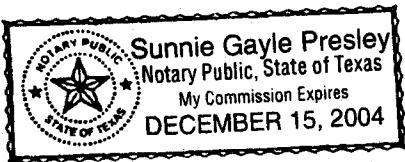
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 18th day of October, 2002
Christopher Neal Mueller
CHRISTOPHER NEAL MUELLER, APPLICANT

Sworn to and subscribed before me this 18th day of October, 2002
Sunny Gayle Presley
Notary Public in and for the State of Texas.

SEAL



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 18th day of OCTOBER, 2002, by CHRISTOPHER NEAL MUELLER, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this 23rd day of January, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

Enclosures: 301.157 Program of Study and Accreditation
301.252 License Application
301.253 Examination
301.260 Temporary License by Endorsement
301.452 Grounds for Disciplinary Action
301.453 Disciplinary Authority of Board; Methods of Discipline
213.27 Good Professional Character
213.28 Licensure of Persons with Criminal Convictions
213.29 Criteria and Procedure Regarding Intemperate Use and Lack of
Fitness in Eligibility and Disciplinary Matters
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code



Jane Dee Hull
Governor

Joey Ridenour
Executive Director

Arizona State Board of Nursing

1651 East Morten, Suite 210
Phoenix, AZ 85020-7605
Phone (602)331-8111 Fax (602) 906-9365
E-Mail: arizona@ncsbn.org
Home Page: <http://www.nursing.state.az.us>

January 29, 2001

CHRISTOPHE NEAL MUELLER
2220 W MISSION LN #1122
PHOENIX, AZ 85021

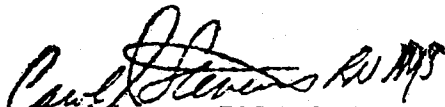
Dear CHRISTOPHE MUELLER:

On January 18, 2001, the Arizona State Board of Nursing, in open meeting, reviewed the complaint submitted against your nursing license. After careful consideration of all facts presented, the Board directed me to offer you a Consent Agreement for a Decree of Censure.

Enclosed is a copy of the proposed Consent Agreement with an extra signature page. Read the Consent Agreement over carefully; if you have questions, please call me. If you accept this Consent Agreement, sign and date the single signature page and return it to me. The complete copy of the proposed Consent Agreement also has a signature page. Sign and date it in the same manner. Keep this copy for your records.

Should you decide not to accept this Consent Agreement, the Board has directed me to prepare your case for Hearing. If this is your choice, please contact me at (602) 331-8111, Ext. 135. The signed signature page of your Consent Agreement or your written request for Hearing **MUST** be received in this office no later than March 1, 2001. If I do not hear from you by that date, your case will automatically be scheduled for Hearing.

Sincerely,


Carol Stevens, RN, MS
Nurse Consultant

ddl, MUELLER-9802142-CONSENT COVER - COVER LTR REV/PROB/DOC CONSENTS

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL)
NURSE LICENSE NO. RN073556)
ISSUED TO:)
CHRISTOPHER NEAL MUELLER)
2220 W. MISSION LANE #1122)
PHOENIX, AZ 85021)

**CONSENT AGREEMENT
AND ORDER NO. 9802142**

A complaint charging Christopher Neal Mueller ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F) (5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Christopher Neal Mueller ("Respondent") holds Professional Nurse License No. RN073556 issued by the Board in the State of Arizona.
2. From or about October 4, 1993 to February 10, 1998, Respondent was employed at Page Hospital, Page, Arizona. As a requirement of his employment, Respondent was to provide care to obstetrical gynecological patients.
3. On or about May 17, 1995, according to Respondent's personnel file, Respondent was counseled for unprofessional attitude.

4. On or about May 10, 1995, according to Respondent's personnel file, Respondent was counseled for not having respiratory in the hospital before a physician arrived.

5. On or about May 29, 1995, according to Respondent's personnel file, Respondent was counseled for not demonstrating appropriate responsibility during code situations.

6. On or about September 17, 1995, according to Respondent's personnel file, Respondent was counseled for not reporting off (to the next shift) an obstetrical patient who was in labor and delivered an hour after Respondent left.

7. On or about September 18, 1995, according to Respondent's personnel file, Respondent was counseled for being unprofessional, flippant and cracking jokes while on duty.

8. On or about September 30, 1995, according to Respondent's personnel file, Respondent was counseled when two other staff complained that they did not want to work with Respondent because he was unprofessional and had no respect for patients.

9. On or about October 1, 1995, according to Respondent's personnel file, Respondent was counseled for changing an intravenous bag on a patient while he had a toothbrush in his mouth. Respondent used the patient's sink to rinse his mouth.

10. On or about October 24, 1996, according to Respondent's

personnel file, Respondent received a written warning for taking food from the dietary department's refrigerator for his own use.

11. On or about December 10, 1997, according to Respondent's personnel file, Respondent was counseled for sleeping while on duty.

12. On or about June 14, 1997, according to Respondent's personnel file, Respondent failed to notify the physician when a post-partum patient (D. Rollins) experienced heavy bleeding. According to the medical record, Respondent performed an initial assessment at 12:00 a.m., when he came on duty, which was four hours after delivery. Respondent noted the patient was having heavy bleeding and provided vigorous massage to patient's fundus at that time. The record reflects the patient was subsequently treated with intravenous Methergine and Pitocin for heavy bleeding on the following shift and was discharged at 1900 on June 14, 1997. The patient was readmitted on June 19, 1997 with postpartum endometritis and underwent a dilatation and curettage (D & C). Respondent admitted that he did not continue to assess the patient throughout his shift.

13. On or about December 29, 1997, according to Respondent's personnel file, Respondent failed to notify the physician when a post-partum patient (M. Onesalt) experienced heavy bleeding. According to the medical record, Respondent performed an initial assessment at 12:00 a.m. when he came on duty, which was seven hours after delivery. Respondent noted patient's blood pressure was 99/55 and patient had moderate flow of bloody

vaginal discharge. Respondent documented at 4:00am that patient's peripads were changed. The patient had an ultrasound, which confirmed retained placenta and underwent a D & C at 4:00 p.m. the following day. Respondent admitted that he did not assess the patient as thoroughly as he should have.

14. On or about February 6, 1998, according to Respondent's personnel file, Respondent failed to notify the physician when a post-partum patient (D. Lester) experienced signs of fetal bradycardia and Magnesium Sulfate toxicity. According to the medical record, Respondent charted the patient's blood pressure as 115/66, 121/54, 104/52, 110/44, 108/38, 108/34 and 108/48, respectively, throughout his shift. Respondent also charted fetal heart rate as 120, 124, 140, 120, 113, 114 and 113, respectively, throughout his shift. Respondent admitted to applying oxygen and repositioning the patient yet he did not assess the patient as having signs and symptoms of magnesium toxicity. Respondent admitted that he applied the oxygen without a physician's order and put off calling the physician because he did not have a good repoire with the physician. Respondent admitted that he was not competent in caring for post-partum patients.

15. From or about January 7. 1998 to February 10, 1998, according to Respondent's personnel file, Respondent attended an obstetrical mentoring program at Thunderbird Samaritan Hospital in Phoenix, Arizona. At the end of the program, Respondent's evaluator stated that Respondent could not work in obstetrics without supervision.

16. On or about February 11, 1998, according to Respondent's personnel file, Respondent voluntarily resigned from Page Hospital and is not eligible for re-hire. According to Respondent, he could not demonstrate competency in obstetrical nursing and therefore was unable to be employed there.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(10)(d) (amended 1997); A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(13)(d) (amended 1998); and A.A.C. R4-19-403 (1), (6), (9), and (25).

3. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as a professional nurse in the State of Arizona.

4. Respondent admits the Board's Findings of Fact and Conclusions of Law.

5. In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this Consent Agreement and Order.

6. Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

7. Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

8. Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

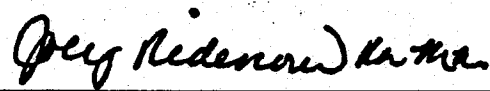
9. Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and the Respondent.



Respondent

Date: 7-6-01

ARIZONA STATE BOARD OF NURSING



Joey Ridenour, R.N., M.N.
Executive Director

Date: January 18, 2001

SEAL

STEVENS/RN073556

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the parties agree to the provision and penalties imposed as follows:

1. Respondent's consent to the terms and conditions of this Order and waiver of public hearing are accepted.

2. It is ordered that a DECREE OF CENSURE be entered against license no. RN073556 held by Respondent.

ARIZONA STATE BOARD OF NURSING



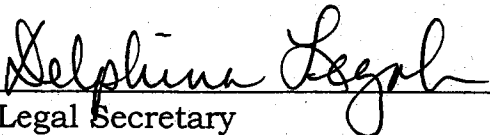
Joey Ridenour, R.N., M.N.
Executive Director

Date: January 18, 2001

JR/CS:ddl

COPY mailed this 29th day of January, 2001, by First Class and Certified Mail No. 7099 3220 0006 0748 5213 to:

Christopher Neal Mueller
2220 W. Mission Lane #1122
Phoenix, AZ 85021

By: 
Legal Secretary