



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 License Number 619074 § AGREED
issued to MICHAEL T. HECKER § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MICHAEL T. HECKER, License Number 619074, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 8, 2004, 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 conference, 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 an Associate Degree in Nursing from Howard College at Big Spring, Big Spring, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas in June 1995.
5. Respondent's professional employment history includes:

1995-2000	Staff Nurse	VA Medical Center Big Spring, Texas
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Respondent's professional employment history continued:

12/96-11/00	Staff Nurse	Sunbridge Health Systems Cooper, Texas
9/01-6/02	Staff Nurse	Titus Regional Medical Center Mt. Pleasant, Texas
7/02-Unknown	Staff Nurse	Texoma Medical Center Denison, Texas

6. At the time of the initial incidents, Respondent was employed as a Staff Nurse with Texoma Medical Center, Denison, Texas, and had been in this position for nine (9) months.
7. On or about April 9, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent misappropriated Meperidine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and its patients of the cost of the medication.
8. On or about April 9, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients without a valid physician's order, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/9/03@0149	0002521710	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO
4/9/03@0615	0002521763	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure the patient in that the administration of Meperidine without a physician's order could result in the patient suffering from adverse reactions including respiratory depression.

9. On or about April 9, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients, but failed to accurately and completely document the administration of Demerol in patients' Medication Administration Records (MAR), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/9/03@0149	0002521710	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO
4/9/03@0615	0002521763	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure patients in that subsequent care givers would rely on the documentation to further medicate the patient which could have resulted in over-medication.

10. On or about April 9, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients, but failed to follow proper policy and procedures in place for the wastage of medications, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/9/03@0149	0002521710	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO
4/9/03@0615	0002521763	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about April 18, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent misappropriated Meperidine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients the cost of the medication.
12. On or about April 18, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients without a valid physician's order, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/18/03@1344	0002523861	MEPERIDINE 25MG SYRINGE	NO ORDER	NO	NO	NO

4/18/03@1130	0002523849	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO
4/18/03@1343	002523849	MEPERIDINE 50MG SYRINGE	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure the patient in that the administration of Meperidine without a physician's order could result in the patient suffering from adverse reactions including respiratory depression.

13. On or about April 18, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients but failed to accurately and completely document the administration of Demerol in patients' Medication Administration Records (MAR), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/18/03@1344	0002523861	MEPERIDINE 25MG SYRINGE	NO ORDER	NO	NO	NO
4/18/03@1130	0002523849	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO
4/18/03@1343	002523849	MEPERIDINE 50MG SYRINGE	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure patients in that subsequent care givers would rely on the documentation to further medicate the patient which could have resulted in over-medication.

14. On or about April 18, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent removed Meperidine from the Pyxis Medication Dispensing System for patients, but failed to follow proper policy and procedures in place for the wastage of medications, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MEDICATION ADMINISTRATION RECORD	NURSES NOTES	WASTAGE
4/18/03@1344	0002523861	MEPERIDINE 25MG SYRINGE	NO ORDER	NO	NO	NO
4/18/03@1130	0002523849	MEPERIDINE 100MG SYRINGE	NO ORDER	NO	NO	NO

4/18/03@1343	002523849	MEPERIDINE .50MG SYRINGE	NO ORDER	NO	NO	NO
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Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

15. On or about April 18, 2003, while employed with Texoma Medical Center, Denison, Texas, Respondent engaged in the intemperate use of barbiturates as evidenced by a positive drug screen. Possession of barbiturates is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of barbiturates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, 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.
16. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.
18. 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 violations of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(18)&(19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 619074, heretofore issued to MICHAEL T. HECKER, including revocation of Respondent's professional 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee of five hundred dollars (\$500), payable to the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 Respondent's multistate licensure privileges, if any, to practice professional 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 State of Texas 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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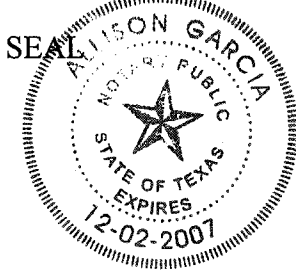
RESPONDENT'S CERTIFICATION

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 Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of February, 2004.

Michael T. Hecker
MICHAEL T. HECKER, Respondent

Sworn to and subscribed before me this 9th day of February, 2004



Allison Garcia
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 9th day of February, 2004, by MICHAEL T. HECKER, License Number 619074, and said Order is final.

Entered and effective this 13th day of February, 2004.



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