



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 A. Plummer
Executive Director of the Board

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 619074 & §
Permanent Vocational Nurse §
License Number 147747 §
Issued to MICHAEL T. HECKER, §
A.K.A. MICHAEL TRACE HECKER, §
Respondent § BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: Michael T. Hecker
4001 Iron Horse Trail
Granbury, Texas 76048

A public meeting of the Texas Board of Nursing was held on June 10, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 619074, and Permanent Vocational Nurse License Number 147747, issued to MICHAEL T. HECKER, A.K.A. MICHAEL TRACE HECKER, was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of MICHAEL T. HECKER, A.K.A. MICHAEL TRACE HECKER, and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charge is substantiated

CHARGE I.

On or about May 28, 2013, Respondent became noncompliant with the Agreed Order issued to him on July 21, 2011, by the Texas Board of Nursing. Noncompliance is the result of his failure to abstain from the consumption of alcohol in that he produced a specimen for a random drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Thirteen (13) of the Agreed Order dated July 21, 2011, states, in pertinent part:

"(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

A copy of the Agreed Order dated July 21, 2011, is attached and incorporated, by reference, as part of this pleading.

The Texas Board of Nursing further finds that, given the nature of the charge concerning fitness to practice, the continued practice of nursing by MICHAEL T. HECKER, A.K.A. MICHAEL TRACE HECKER, constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 619074, and Permanent Vocational Nurse License Number 147747, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that, Permanent Registered Nurse License Number 619074, and Permanent Vocational Nurse License Number 147747, issued to MICHAEL T. HECKER, A.K.A. MICHAEL TRACE HECKER, to practice nursing in the State of Texas be, and the same are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 10th day of June, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 619074 &	§	
Permanent Vocational Nurse	§	
License Number 147747	§	
Issued to MICHAEL T. HECKER,	§	
A.K.A. MICHAEL TRACE HECKER,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL T. HECKER, A.K.A. MICHAEL TRACE HECKER, is a Registered Nurse holding License Number 619074, which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 147747, 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 April 15, 2008, Respondent defaulted on his guaranteed student loans, as provided in Section 57.491 of the Texas Education Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(7).

CHARGE II.

On or about July 12, 2012, Respondent was arrested by the Department of Public Safety, Erath County, Texas, for DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense, and POSS CS NOT IN PG, a Class B misdemeanor offense.

On or about March 6, 2013, Respondent pled guilty to and was convicted of DRIVING WHILE INTOXICATED, a lesser Class B misdemeanor offense committed on July 12, 2012, in the Stephenville County Court at Law, under Cause No. 43659. As a result of the conviction, Respondent was ordered to confinement in the Erath County Jail for a period of three (3) days (with seventy-two (72) days credit given for time already served) and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

CHARGE III.

On or about May 28, 2013, Respondent became noncompliant with the Agreed Order issued to him on July 21, 2011, by the Texas Board of Nursing. Noncompliance is the result of his failure to abstain from the consumption of alcohol in that he produced a specimen for a random drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Thirteen (13) of the Agreed Order dated July 21, 2011, states, in pertinent part:

"(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

A copy of the Agreed Order dated July 21, 2011, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(10)(D)&(11)(B).

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 and TEX. OCC. CODE Ch. 53. 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 Guidelines for Criminal Conduct and 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.

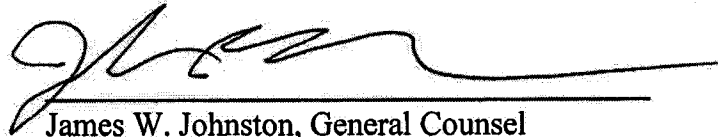
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Orders dated February 13, 2004, May 9, 2006, and July 21, 2011.

Filed this 10th day of June, 2013.

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

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated February 13, 2004, May 9, 2006, and July 21, 2011.

D/2012.06.19



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 TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 619074 and
Vocational Nurse License Number 147747
issued to MICHAEL T. HECKER

§ AGREED
§
§
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of MICHAEL T. HECKER, Registered Nurse License Number 619074 and Vocational Nurse License Number 147747, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 2, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).
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. Respondent holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Howard College, Big Springs, Texas, on May 27, 1994, and an Associate Degree in Nursing from Howard College, Big Springs, Texas, on May 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on August 2, 1994, and Respondent was license to practice professional nursing in the State of Texas on June 30, 1995.

5. Respondent's nursing employment history includes:

8/94-5/95	Unknown	
5/95-11/00	Staff Nurse (RN)	VA Medical Center Big Spring, Texas
12/96-11/00	Staff Nurse (RN)	Sunbridge Health System Cooper, Texas
2/01-1/02	Charge Nurse (RN)	Stanton Care Center Stanton, Texas
9/01-6/02	Staff Nurse (RN)	Titus Regional Medical Center Mt. Pleasant, Texas
7/02- 1/04	Staff Nurse (RN)	Texoma Medical Center Denison, Texas
5/03-1/04	Staff Nurse (RN)	North Central Medical Center McKinney, Texas
5/04-8/04	Staff Nurse	East Texas Medical Center Tyler, Texas
8/04 - 9/08	Charge Nurse	Grapevine Valley Hope Grapevine, Texas
9/08 - 1/10	Charge Nurse	Weatherford Regional Medical Center Weatherford, Texas
1/10-present	Unknown	

6. On February 13, 2004, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required him to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Additionally, Respondent was to comply with all the requirements of the TPAPN contract throughout its terms. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 13, 2004, is attached and incorporated, by reference, as part of this Order.

7. On May 9, 2006, Respondent was issued the sanction of an ENFORCED SUSPENSION by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated May 9, 2006, is attached and incorporated, by reference, as part of this Order.

8. On or about January 10, 2008, Respondent was arrested by the Hood County Sheriff's Office, Granbury Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense). On or about July 23, 2009, the charge was abandoned for the reason: Defendant has successfully completed a pre-trial diversion program, in the County Court at Law of Hood County, Texas, under Cause No. 40045.
9. On or about January 10, 2008, Respondent was arrested by the Hood County Sheriff's Office, Granbury Texas, for POSS DANGEROUS DRUG (a Class A Misdemeanor offense). On or about July 23, 2009, the charge was abandoned for the reason: Defendant has successfully completed a pre-trial diversion program, in the County Court at Law of Hood County, Texas, under Cause No. 40046.
10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states: He was at a local restaurant with friends and family having dinner and drinks. Respondent had two drinks over a period of an hour and a half. When he left the parking lot, his tire spun and he was pulled over. Respondent told the officer where he had been and they searched his vehicle. The officer found an old medicine bottle with pills inside. Respondent explained that the pills were an old prescription of Prozac, but he was still arrested.
11. On or about January 13, 2010 through January 25, 2010, while employed as a Registered Nurse at Weatherford Regional Medical Center, Weatherford, Texas, Respondent removed Meperidine 50mg/1ml injectables from the Pyxis Medication Dispensing System for patients without valid physician's order, as follows:

Date	Patient	Pyxis	Physician's Order	Mar's	Anesthesia Record	Wastage
1/13/10	213113	(3) Meperidine 50mg/1ml inj at 09:51	No Order	None Documented	No Documented	None
1/13/10	213114	(3) Meperidine 50mg/1ml inj at 11:07	No Order	None Documented	None Documented	None
1/18/10	213988	(3) Meperidine 50mg/1ml inj at 9:36	No Order	None Documented	None Documented	None
1/19/10	214796	(3) Meperidine 50mg/1ml inj at 14:39	No Order	None Documented	None Documented	None
1/20/10	213437	(3) Meperidine 50mg/1ml inj at 08:57	No Order	None Documented	None Documented	(3) Meperidine 50mg/1ml inj at 12:56
1/20/10	214303	(3) Meperidine 50mg/1ml inj at 10:59	No Order	None Documented	None Documented	(3) Meperidine 50mg/1ml inj at 12:57
1/21/10	213494	(3) Meperidine 50mg/1ml inj at 12:27	No Order	None Documented	None Documented	None

Date	Patient	Pyxis	Physician's Order	Mar's	Anesthesia Record	Wastage
1/25/10	215216	(3) Meperidine 50mg/1ml inj at 09:39	No Order	None Documented	None Documented	None
1/25/10	215218	(3) Meperidine 50mg/1ml inj at 10:25	No Order	None Documented	None Documented	None

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.

12. On or about January 25, 2010, while employed as a Registered Nurse at Weatherford Regional Medical Center, Weatherford, Texas, Respondent removed Meperidine 50mg/1ml injectables from the Pyxis Medication Dispensing System for patients, but failed to accurately and completely document the administration of the Meperidine 50mg/ml injectables in patients' Medication Administration Records (MAR), Anesthesia Records, or both, as follows:

Date	Patient	Pyxis	Physician's Order	Mar's	Anesthesia Record	Wastage
1/13/10	213113	(3) Meperidine 50mg/1ml inj at 09:51	No Order	None Documented	None Documented	None Documented
1/13/10	213114	(3) Meperidine 50mg/1ml inj at 11:07	No Order	None Documented	None Documented	None Documented
1/18/10	213988	(3) Meperidine 50mg/1ml inj at 9:36	No Order	None Documented	None Documented	None Documented
1/19/10	214796	(3) Meperidine 50mg/1ml inj at 14:39	No Order	None Documented	None Documented	None Documented
1/21/10	213494	(3) Meperidine 50mg/1ml inj at 12:27	No Order	None Documented	None Documented	None Documented
1/25/10	215216	(3) Meperidine 50mg/1ml inj at 09:39	No Order	None Documented	None Documented	None Documented
1/25/10	215218	(3) Meperidine 50mg/1ml inj at 10:25	No Order	None Documented	None Documented	None Documented

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.

13. On or about January 25, 2010, while employed as a Registered Nurse at Weatherford Regional Medical Center, Weatherford, Texas, Respondent removed Meperidine 50mg/1ml injectables from the Pyxis Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications, as follows:

Date	Patient	Pyxis	Physician's Order	Mar's	Anesthesia Record	Wastage
1/13/10	213113	(3) Meperidine 50mg/1ml inj at 09:51	No Order	None Documented	None Documented	None Documented
1/13/10	213114	(3) Meperidine 50mg/1ml inj at 11:07	No Order	None Documented	None Documented	None Documented
1/18/10	213988	(3) Meperidine 50mg/1ml inj at 9:36	No Order	None Documented	None Documented	None Documented
1/19/10	214796	(3) Meperidine 50mg/1ml inj at 14:39	No Order	None Documented	None Documented	None Documented
1/21/10	213494	(3) Meperidine 50mg/1ml inj at 12:27	No Order	None Documented	None Documented	None Documented
1/25/10	215216	(3) Meperidine 50mg/1ml inj at 09:39	No Order	None Documented	None Documented	None Documented
1/25/10	215218	(3) Meperidine 50mg/1ml inj at 10:25	No Order	None Documented	None Documented	None Documented

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).

14. On or about January 25, 2010, while employed as a Registered Nurse at Weatherford Regional Medical Center, Weatherford, Texas, Respondent misappropriated Meperidine 50mg/1ml injectables 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 of the cost of the medications.
15. On or about January 25, 2010, while employed as a Registered Nurse at Weatherford Regional Medical Center, Weatherford, Texas, Respondent engaged in the intemperate use of Barbiturates, in that Respondent produced a specimen for a random drug screen which resulted positive for Meperidine and Normeperidine. Possession of Barbiturates, without a valid prescription, 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. In response to Findings of Fact Numbers Eleven (11) through Fifteen (15), Respondent states: These allegations are true and accurate, and for that he is truly sorry and remorseful. While he understands that there is no excuse for his actions, he will try to give some insight into what took place that day. Respondent was dealing with some severe pain in his chest and upper abdominal area for about a month. While considering himself a good nurse, he

is not a good patient. Respondent procrastinated about making an appointment with a doctor, simply out of fear of what could be found. Up until this point, he suffered through the pain daily and then had a moment of stupidity and weakness. Respondent immediately, called his supervisor and confessed what happened due to guilt. Respondent resigned from the hospital and self-reported to TPAPN. Respondent has been in treatment since February 15, 2010.

17. Respondent states February 15, 2010, as his date of sobriety.
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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)& (13) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B)(4),(5),(6)(A),(G)& (H),(10)(A)-(E)&(11)(B).
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 619074 and Vocational Nurse License Number 147747, heretofore issued to MICHAEL T. HECKER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 619074 and Vocational Nurse License Number 147747, previously issued to MICHAEL T. HECKER, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12)

consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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(s) is/are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the

suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT'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. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR

THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE AND VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

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

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the

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

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for 3 years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines
Barbiturates
Benzodiazepines

Meperidine
Methadone
Methaqualone

Cannabinoids
Cocaine
Ethanol
tramadol hydrochloride (Ultram)

Opiates
Phencyclidine
Propoxyphene

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

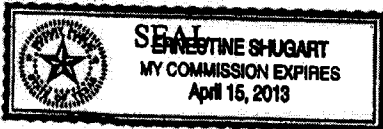
RESPONDENT'S CERTIFICATION

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. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22nd day of June, 2011.

Michael T. Hecker
MICHAEL T. HECKER, Respondent

Sworn to and subscribed before me this 22nd day of June, 2011.



Ernestine Shugart

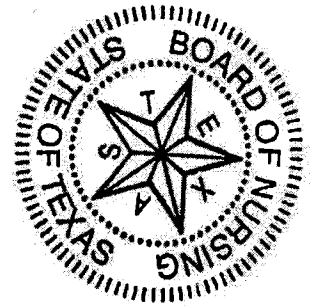
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of June, 2011, by MICHAEL T. HECKER, Registered Nurse License Number 619074 and Vocational Nurse License Number 147747, and said Order is final.

Effective this 21st day of July, 2011.



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



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 619074	§	AGREED
and Vocational Nurse License Number 147747	§	
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, Registered Nurse License Number 619074, and Vocational Nurse License Number 147747, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 9, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent completed a vocational nursing program at Howard College, Big Spring, Texas, on May 27, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on August 2, 1994. Respondent received an Associate Degree in Nursing from Howard College, Big Spring, Texas, on May 1, 1995. Respondent became licensed to practice professional nursing in the State of Texas on June 30, 1995.

5. Respondent's nursing employment history includes:

8/94-5/95	Unknown	
5/95-11/00	Staff Nurse (RN)	VA Medical Center Big Spring, Texas
12/96-11/00	Staff Nurse (RN)	Sunbridge Health System Cooper, Texas
2/01-1/02	Charge Nurse (RN)	Stanton Care Center Stanton, Texas
9/01-6/02	Staff Nurse (RN)	Titus Regional Medical Center Mt. Pleasant, Texas
7/02-Unknown	Staff Nurse (RN)	Texoma Medical Center Denison, Texas
5/03-1/04	Staff Nurse (RN)	North Central Medical Center McKinney, Texas
5/04-8/04	Staff Nurse	East Texas Medical Center Tyler, Texas
Unknown-Present	Staff Nurse	Grapevine Valley Hope Grapevine, Texas

6. On February 13, 2004, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required him to apply to and comply with the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 13, 2004, is attached and incorporated by reference as part of this Order.

7. At the time of the incident, Respondent was employed as a Staff Nurse with East Texas Medical Center, Tyler, Texas, and had been in this position for approximately three (3) months.

8. On or about August 20, 2004, through August 21, 2004, while employed with East Texas Medical Center, Tyler, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MAR's) and Nurses Notes, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
8/20/04@1644	0958375	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1119	0958375	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1440	0958375	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1457	0958375	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@0748	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@0844	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@0918	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1018	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1201	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1615	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1717	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1749	0950018	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1501	0301549	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO
8/21/04@1740	0301549	DEMEROL 50MG (2)	NO ORDER	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients, which could have resulted in an overdose.

- On or about August 20, 2004, through August 21, 2004, while employed with East Texas Medical Center, Tyler, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of the medication. 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).

10. On or about August 20, 2004, through August 21, 2004, while employed with East Texas Medical Center, Tyler, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients without a valid physician's order. Respondent's conduct was likely to injure the patients in that the administration of Demerol without a valid physician's order could result in the patients suffering from adverse reactions.
11. On or about August 20, 2004, through August 21, 2004, while employed with East Texas Medical Center, Tyler, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof, in that Respondent admitted to the misappropriation. Respondent's conduct was likely to defraud the patients and the facility of the cost of the medication.
12. On or about August 20, 2004, through August 21, 2004, while employed with East Texas Medical Center, Tyler, Texas, Respondent failed to comply with the Agreed Order issued by the Board of Nurse Examiners for the State of Texas on February 13, 2004. Non-compliance is the result of Respondent's conduct as described in Findings of Fact Numbers Eight (8), Nine (9), Ten (10), and Eleven (11). Stipulation Number Three (3) of the Agreed Order dated February 13, 2004, states in pertinent part that:

"RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."
13. Respondent denies actually engaging in the intemperate use of Demerol on or about August 20, 2004, through August 21, 2004. Respondent believes that his conduct described in Findings of Fact Numbers Eight (8), Nine (9), Ten (10), and Eleven (11) was an effort to get caught. Respondent states that he had been participating in the Texas Peer Assistance Program for Nurses (TPAPN), but that he had not dealt with his addiction as a disease. Respondent states that he now has been sober for more than eighteen (18) months and has the support of his family, attends support group meetings, and has completed a treatment program.
14. On or about November 11, 2004, Respondent successfully completed a substance abuse treatment program with the STAR Council on Substance Abuse, Granbury, Texas.
15. Respondent's date of sobriety is considered by the Board to be August 22, 2004.
16. The Board finds that there exists serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove a violations of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(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 Registered Nurse License Number 619074, and Vocational Nurse License Number 147747, heretofore issued to MICHAEL T. HECKER, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 619074, and Vocational Nurse License Number 147747, previously issued to MICHAEL T. HECKER, to practice professional and vocational nursing in Texas are hereby SUSPENDED and said suspension is enforced until Respondent has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Registered Nurse License Number 619074, and Vocational Nurse License Number 147747, previously issued to MICHAEL T. HECKER, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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, upon verification of successful completion of the approved inpatient treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) RESPONDENT 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued licenses to practice professional and vocational nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the stay of suspension, successfully complete a course in nursing jurisprudence. RESPONDENT 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. It shall 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. RESPONDENT 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 RESPONDENT'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. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. 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 Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT'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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF ~~SIXTY FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION~~

CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR LICENSED VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

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

(8) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the probation period, RESPONDENT 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 RESPONDENT, 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. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(11) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(13) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. ~~These reports shall be completed by the Registered Nurse who supervises the~~ RESPONDENT. 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 years of employment as a nurse.

(14) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(15) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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

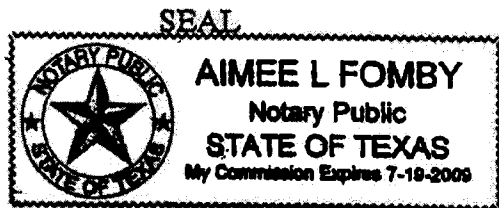
RESPONDENT'S CERTIFICATION

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. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of March, 2006.

Michael T. Hecker
MICHAEL T. HECKER, Respondent

Sworn to and subscribed before me this 28th day of March, 2006.



Aimee L. Fomby
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 28th day of March, 2006, by MICHAEL T. HECKER, Registered Nurse License Number 619074, and Vocational Nurse License Number 147747, and said Order is final.

Effective this 9th day of May, 2006.



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

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 .30MG 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).

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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

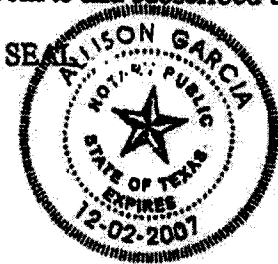
RESPONDENT'S CERTIFICATION

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



Alison 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