



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.
William P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 607889 §
issued to MICHAEL THOMAS TALMADGE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boar considered the matter of MICHAEL THOMAS TALMADGE, Registered Nurse License Number 607889, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1994.
5. Respondent's professional nursing employment history includes:

07/1994 - 02/1996 Employment history unknown.

Respondent's professional nursing employment history continued:

02/1996 - 07/1997	RN	Benbrook Care Center Benbrook, Texas
06/1997 - 01/2000	RN	Rivers Care Center Fort Worth, Texas
02/2000 - 07/2002	Not employed in nursing	
07/2002 - 05/2007	RN	Kindred Healthcare South West Fort Worth Fort Worth, Texas
05/2007 - 02/2008	Employment history unknown.	
02/2008 - 06/2009	RN	Plaza Medical Center Fort Worth, Texas
06/2009 - 08/2010	Employment history unknown.	
08/2010 - 11/2010	RN	The Estates of Fort Worth Fort Worth, Texas
11/2010 - 04/2011	RN	In Home Health Inc.
04/2011 - Present	Employment history unknown.	

6. On January 14, 2013, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and January 14, 2013, Agreed Order is attached and incorporated, by reference, as part of this Order.
7. On or about June 28, 2013, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing, on January 14, 2013. Noncompliance is the result of his failure to comply with the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that he submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are both metabolites of alcohol. Additional noncompliance is the result of his failure to obtain approval and/or complete a return to work agreement before accepting assignments with Abundant Home Health, Arlington, Texas. Stipulations Number One (1) and Number Three (3), of the Order dated January 14, 2013, read, in pertinent part:

"(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final order, apply to TPAPN and SHALL, within ninety (90)

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

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

Respondent was dismissed from TPAPN on July 10, 2013, for his failure to comply with his TPAPN participation agreement and referred to the Texas Board on Nursing on July 10, 2013.

8. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 607889, heretofore issued to MICHAEL THOMAS TALMADGE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 607889, heretofore issued to MICHAEL THOMAS TALMADGE, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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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 violation(s) 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 9 day of August, 2013.

Michael Thomas Talmadge
MICHAEL THOMAS TALMADGE, Respondent

Sworn to and subscribed before me this 9 day of August, 2013.

Johnna Renee Cortez
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 607889, previously issued to MICHAEL THOMAS TALMADGE.

Effective this 15th day of August, 2013.



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



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 § AGREED
Registered Nurse License Number 607889 §
issued to MICHAEL THOMAS TALMADGE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL THOMAS TALMADGE, Registered Nurse License Number 607889, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 30, 2012.

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.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1994.
5. Respondent's professional nursing employment history includes:
07/1994 - 02/1996 Employment history unknown.

Respondent's professional nursing employment history continued:

02/1996 - 07/1997	RN	Benbrook Care Center Benbrook, Texas
06/1997 - 01/2000	RN	Rivers Care Center Fort Worth, Texas
02/2000 - 07/2002	Not employed in nursing	
07/2002 - 05/2007	RN	Kindred Healthcare South West Fort Worth Fort Worth, Texas
05/2007 - 02/2008	Employment history unknown.	
02/2008 - 06/2009	RN	Plaza Medical Center Fort Worth, Texas
06/2009 - 08/2010	Employment history unknown.	
08/2010 - 11/2010	RN	The Estates of Fort Worth Fort Worth, Texas
11/2010 - 04/2011	RN	In Home Health Inc.
04/2011 - Present	Employment history unknown.	

6. At the time of the incident, Respondent was employed as a registered nurse with Plaza Medical Center, Fort Worth, Texas, and had been in this position for one (1) year and three (3) months.
7. On or about May 15, 2009, while employed as a Registered Nurse with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty he exhibited strange behaviors, was hyper, nervous, had slurred speech and made a medication error. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states: " My life at that time was being turned inside out by an manipulative now ex-wife. I was working as a team leader on an extremely busy med-surg floor. I had less than 20 hours of training for this position as well as working the floor with a normal load of 4-6 patients. The hours required to

perform this position were physically and emotionally straining. At home I never knew if my children were being fed or cared for to the point that I was getting no rest. I had asked for time off from this position to resolve my crumbling marriage but was refused. I asked to be relieved of the extra load of being team leader but was told to work through it. Physical fatigue and emotional distress eventually wore me down. As far as a medication error goes, I was not assigned to patients that day. Prior to that day, I remember walking into the wrong room with a different patients medications, however, no medications were given in error.”

9. On or about March 1, 2012, Respondent engaged in the intemperate use of Alcohol, in that he produced a specimen for a drug screen requested by the Extended Evaluation Program (EEP), that resulted positive for Ethylglucoronide (EtG) and Ethylsulfate (EtS). The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. In response to Finding of Fact Number Eight (8), Respondent states: "I cannot deny the use of Alcohol. I had a molar extracted the night before and consumed alcohol as an analgesic. I would welcome the opportunity to restart working with TPAPN if the opportunity exists.”
11. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(E),(4),(5)&(10)(A).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 607889, heretofore issued to MICHAEL THOMAS TALMADGE, including revocation of Respondent's license(s) 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

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

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

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

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

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

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

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

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RESPONDENT'S CERTIFICATION

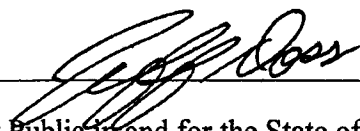
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer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

Signed this 29 day of December, 2012


MICHAEL THOMAS TALMADGE, Respondent

Sworn to and subscribed before me this 29 day of December, 2012.




Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 29th day of December, 2013, by MICHAEL THOMAS TALMADGE, Registered Nurse License Number 607889,, and said Order is final.

Entered and effective this 14th day of January, 2013.



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