



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	§	AGREED
Nurse License Number 593893	§	
issued to JOHN THOMAS CAHAK	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JOHN THOMAS CAHAK, Registered Nurse License Number 593893, 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)(2),(8)&(10) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 16, 2013, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas-Austin, Austin, Texas on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.
5. Respondent's nursing employment history includes:

05/1993 to 11/1994	Staff RN	Bailey Square Surgical Center Austin, Texas
--------------------	----------	--

Respondent's nursing employment history continued:

11/1994 to 06/1996	Staff RN	Seton Northwest Hospital Austin, Texas
06/1996 to 07/1997	Staff RN	Columbia Bailey Square Surgical Center Austin, Texas
07/1997 to 09/2000	Staff RN	Columbia Sunrise Flamingo Surgery Center Las Vegas, Nevada
10/2000 to 03/2003	Staff RN	Texas Orthopedic Hospital Houston, Texas
03/2003 to 08/2003	Staff RN	Tomball Regional Hospital Tomball, Texas
08/2003 to 10/2003	Office RN	Dr. Mark A. Schusterman Houston, Texas
10/2003 to 12/2003	Contract RN	Staff Search Ltd. Houston, Texas
12/2003 to 08/2011	Office RN	Fondren Orthopedic group Houston, Texas
08/2011 to Present	Charge RN	Methodist Willowbrook Hospital Houston, Texas

6. On or about November 17, 2000, Respondent received a Voluntary Surrender of License/Certificate in Lieu of Other Disciplinary Action from the Nevada State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Nevada was accepted for Voluntary Surrender due to Respondent's admissions that he diverted drugs from his place of employment and self-administered them at home. A copy of the Voluntary Surrender of License/Certificate in Lieu of Other Disciplinary Action issued by the Nevada State Board of Nursing, dated November 17, 2000 is attached and incorporated by reference as part of this Order.
7. On or about November 7, 2002, Respondent submitted an online renewal application to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:
 "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or in compliance with TPAPN for mental illness)."
Respondent failed to disclose that on September 12, 2000, Respondent was treated for drug overdose in the emergency room of St. Rose Hospital, and Respondent admitted that he was

habitually intemperate and/or addicted to controlled substances. Further, Respondent admitted that he diverted narcotics from his employer and self-administered them at home. Respondent's conduct was deceiving, which may have affected the Board's decision to renew his license.

8. On or about October 14, 2004, Respondent submitted an online renewal application to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or in compliance with TPAPN for mental illness).

Respondent failed to disclose that on September 12, 2000, Respondent was treated for drug overdose in the emergency room of St. Rose Hospital, and Respondent admitted that he was habitually intemperate and/or addicted to controlled substances. Further, Respondent admitted that he diverted narcotics from his employer and self-administered them at home. Respondent's conduct was deceiving, which may have affected the Board's decision to renew his license.

9. On or about November 8, 2008, Respondent submitted an online renewal application to the Texas Board of Nursing for the State of Texas in which he provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

"Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

Respondent failed to disclose that on or about November 17, 2000, Respondent received a Voluntary Surrender of License/Certificate in Lieu of Other Disciplinary Action from the Nevada State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Nevada was accepted for Voluntary Surrender. Respondent's conduct was deceiving, which may have affected the Board's decision to renew his license.

10. On or about November 14, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing for the State of Texas in which he provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

"Has **any** licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

Respondent failed to disclose that on or about November 17, 2000, Respondent received a Voluntary Surrender of License/Certificate in Lieu of Other Disciplinary Action from the Nevada State Board of Nursing wherein Respondent's license to practice professional nursing in the State of Nevada was accepted for Voluntary Surrender. Respondent's conduct was deceiving, which may have affected the Board's decision to renew his license.

11. In response to Findings of Fact Numbers Six (6) through Ten (10), Respondent states he is an addict and has dealt with his addiction by self reporting to TPAPN and completing the

program in 2009. Respondent further states he failed to disclose his Nevada Board Order due to fear that his Texas license would be lost and it became easier to justify the false answers with each renewal.

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.

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(6)(H)&(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(8)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 593893, heretofore issued to JOHN THOMAS CAHAK, 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 593893, previously issued to JOHN THOMAS CAHAK, to practice nursing in Texas is/are hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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.

(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, 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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred dollars (\$1,500.00). RESPONDENT SHALL pay this fine within ninety (90) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing 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 ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer 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 present employer within five (5) days of receipt of this Order. 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) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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.

(8) 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 one (1) year(s) of employment as a nurse.

(9) 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 a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(10) 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. 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	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 or refusal to submit to a drug or alcohol screen 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. Such reports

are to be furnished each and every month for three (3) months. If therapy is recommended beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the probation period, or until RESPONDENT is dismissed from therapy.

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(s), 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

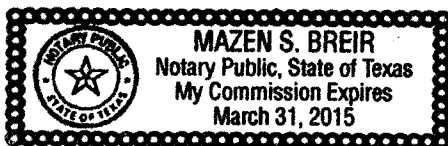
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 27th day of JUNE, 2013.


JOHN THOMAS CAHAK, Respondent

Sworn to and subscribed before me this 27 day of JUNE, 2013.

SEAL




Notary Public in and for the State of TEXAS

Approved as to form and substance.


JOYCE STAMP LILLY, RN, JD, Attorney for Respondent

Signed this 3 day of July, 2013

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of June, 2013, by JOHN THOMAS CAHAK, Registered Nurse License Number 593893, and said Order is final.

Effective this 10th day of September, 2013.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

SEP 23 2000

NEVADA STATE

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF)	
JOHN CAHAK, RN)	VOLUNTARY SURRENDER OF LICENSE/
NEVADA LICENSE NO. RN30688)	CERTIFICATE IN LIEU OF OTHER
)	DISCIPLINARY ACTION
<u>RESPONDENT</u>)	CASE NO. 0915-00C

I, JOHN CAHAK, wish to voluntarily surrender my license/certificate in lieu of other disciplinary action by the Nevada State Board of Nursing. I freely admit I diverted drugs from my place of employment and self-administered them at home. I further freely admit that on September 12, 2000, I was treated for drug overdose in the emergency room of St. Rose Hospital, and I am habitually intemperate and/or addicted to controlled substances.

RESPONDENT further acknowledges that the above matter is a violation of NRS and NAC Chapter 632 and therefore, he/she is subject to disciplinary action by the Nevada State Board of Nursing.

RESPONDENT is aware of, understands and has been advised of the effect of this Agreement, which Respondent herein has carefully read and fully acknowledges. No coercion has been exerted on the Respondent. Respondent acknowledges his/her right to an attorney at his/her own expense. The Respondent has had the benefit at all times of advice from competent counsel of his/her choice.


RESPONDENT is aware of the Respondent's rights including the right to a hearing on any charges and/or allegations, the right to examine witnesses who would testify against him/her, the right to present evidence in his/her favor and call witnesses on his/her behalf, or to testify him/herself, the right to contest the charges and allegations, the right to reconsideration, appeal or any other type of formal judicial review of this matter, and any other rights which may be accorded to him/her pursuant to the Nevada Administrative Procedures Act and the provision of Chapter 632 of the Nevada Revised Statutes and the Nevada Administrative


Code. Respondent agrees to waive the foregoing rights upon acceptance of this agreement by the Board.

I understand that this action may be subject to the requirements of Chapter 632 of the Nevada Revised Statutes and the Nevada Administrative Code and I further understand that this action will become part of my permanent record, reported to the National Council of State Boards of Nursing Discipline Data Bank and will be published with the list of disciplinary actions the Board has taken. I understand that this surrender is effective the day it is accepted by the Nevada State Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree to immediately cease and desist from practicing as a Registered Nurse. I am returning my license/certificate with this signed and notarized statement to indicate this choice.

I understand this Agreement shall not be construed as excluding or reducing any criminal or civil penalties or sanction or other remedies that may be applicable under federal, state or local laws.

Nevada State Board of Nursing


Respondent


Cookie Bible, BSN, RNC, APN
Board President

9/21/00
Date

11-17-00
Date


Kathy Apple, M.S., R.N.
Executive Director

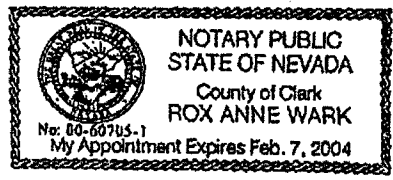
10/20/00
Date

RECEIVED - FILED
SEP 23 2003
CLERK OF DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA
COUNTY OF Clark } ss

On this 21 day of Sept in the year 2000 personally appeared before me, a Notary Public in and for the said County and State, JOHN CAHAK, known to me by presentation of sufficient means of identification to be the person who executed the foregoing instrument for the purpose therein mentioned.

Rox Anne Wark
Notary Public



SEAL