



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Registered Nurse License Number 253516 §
issued to RAYMOND J. BERGER JR §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 253516, issued to RAYMOND J. BERGER JR, 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.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Diploma in Nursing from Brackenridge Hospital, Austin, Texas, on October 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on March 20, 1981.
4. Respondent's professional nursing employment history includes:

3/1981 - 5/1992	Unknown	
6/1992 - Unknown	RN	Community Care - David Powell Clinic Austin, Texas
5. On or about November 8, 2012, Respondent was referred to the Texas Peer Assistance Program for Nurses (TPAPN), by the Texas Board of Nursing after the Board received

information alleging that on or about January 28, 2011, while employed with Community Care/David Powell Clinic, Austin, Texas, Respondent engaged in the intemperate use of alcohol, in that Respondent submitted to a breathalyzer test which resulted positive for alcohol, and Respondent admitted that he had a drinking problem. It was also alleged that multiple behaviors exhibited in the workplace by Respondent has demonstrated that Respondent has been impaired by alcohol, and that Respondent's progressive impairment has contributed to errors in judgment as a triage nurse which have threatened the safety of patients. 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

6. On September 11, 2013, the Board received a signed statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of participating in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of Respondent's statement is attached and incorporated herein, by reference, as part of this Order.
7. 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.
8. 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)(B),(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 253516, heretofore issued to RAYMOND J. BERGER JR, 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, 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 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 253516, heretofore issued to RAYMOND J. BERGER JR, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

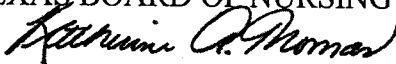
1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during 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.

Effective this 11th day of September, 2013.

TEXAS BOARD OF NURSING

By:



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

To:

TEXAS BOARD OF NURSES
333 GUADALUPE #3-460
AUSTIN, TX 78701

FROM:

RAYMOND J. BERGER JR., R.N.
TDN LICENSE # ~~253516~~ 253516
904 W. CADDO ST.
AUSTIN, TX. 78753

I HEREBY SURRENDER MY NURSING
LICENSE, EFFECTIVE IMMEDIATELY.
THANK YOU.

Raymond J. Berger Jr.

RECEIVED SEP 1 5 00