BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §
Registered Nurse License Number 504875 §
& Vocational Nurse License Number 95142 §
issued to MICHAEL D. FLAX §

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 504875, and Vocational Nurse License Number 95142, issued to MICHAEL D. FLAX, 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. Respondent holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Houston Community College, Houston, Texas, on December 8, 1981, and an Associate Degree in Nursing from Houston Community College, Houston, Texas, on August 1, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1982, and Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983.

4. Respondent's nursing employment history is unknown.

5. On or about October 29, 1982, Respondent submitted a Registration by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive,

and/or misleading information, in that he answered "No" to the question: "Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose that, on or about January 18, 1977, Respondent entered a plea of Guilty to and was convicted of POSSESSION OF MARIJUANA, committed on December 5, 1976, in the First District Court, Parish of Caddo, Louisiana, under Docket No. 104,179. As a result of the conviction, Respondent was sentenced to confinement for a period of four (4) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of eighteen (18) months.

6. On December 18, 2013, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, is attached and incorporated herein, by reference, as part of this Order.

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 §217.13(eff. 1981).

4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4525(a)(9)(eff. 9/1/1981), Texas Occupations Code, to take disciplinary action against , Registered Nurse License Number 504875, and Vocational Nurse License Number 95142, heretofore issued to MICHAEL D FLAX, 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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of, Registered Nurse License Number 504875, and Vocational Nurse License Number 95142, heretofore issued to MICHAEL D. FLAX, 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 vocational or professional nursing, use the title of vocational nurse or registered nurse or the abbreviation LVN or RN or wear any insignia identifying himself as a vocational nurse or registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse or 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.

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 18th day of December, 2013.

TEXAS BOARD OF NURSING

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

To: Texas Board of Nursing,
    attn. Terry Washington;

From: Michael D. Flax

Mr. Washington,

As per our phone conversation last week, this is to inform you of my voluntarily giving up my nursing license, while I would hope you will allow me to retire, instead of just giving up my license.

I do have one question though, since I am not being allowed to renew, will I get my renewal fee returned, or can it be applied toward retirement status is you so allow.

I know you have no reason to believe me, and I am sure you have heard this many times; but it is true that I just forgot about the incident that sparked this investigation. Six years is a long time and one tends to forget unpleasant things.

Thank you for taking the time to call me and explain my options.

Respectfully,

Michael D. Flax