

In the Matter of
Permanent Registered Nurse
License Number 798347
Issued to ADAM BLYTHE LONG,
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING



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

ORDER OF TEMPORARY SUSPENSION

TO: ADAM BLYTHE LONG
4102 POTOMAC AVE
TEXARKANA, TX 75503

A public meeting of the Texas Board of Nursing was held on July 11, 2014, at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 798347, issued to ADAM BLYTHE LONG 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 ADAM BLYTHE LONG 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 charges are substantiated:

On or about June 13, 2014, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on March 14, 2014. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that he withdrew from the program. Stipulation Number Three (3) of the Confidential Agreed Order dated March 14, 2014, reads, in pertinent part:

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

On or about June 13, 2014, Respondent was dismissed from TPAPN and referred to the

Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 14, 2014, is attached and incorporated, by reference, as part of this pleading.

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by ADAM BLYTHE LONG constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 798347, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 798347, issued to ADAM BLYTHE LONG, to practice nursing in the State of Texas be, and the same is/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 11th day of July, 2014.

TEXAS BOARD OF NURSING

BY:



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

In the Matter of
Permanent Registered Nurse
License Number 798347
Issued to ADAM BLYTHE LONG,
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ADAM BLYTHE LONG, is a Registered Nurse holding License Number 798347, which is in current 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 June 13, 2014, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on March 14, 2014. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that he withdrew from the program. Stipulation Number Three (3) of the Confidential Agreed Order dated March 14, 2014, reads, in pertinent part:

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

On or about June 13, 2014, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 14, 2014, 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(9) & (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.

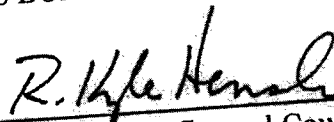
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can 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.

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: Order dated March 14, 2014.

Filed this 11th day of July, 2014.

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

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

Robert Kyle Hensley, Assistant General Counsel
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State Bar No. 00785533

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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
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Attachments: Order of the Board dated March 14, 2014.
D/2014.05.23

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 798347
issued to ADAM BLYTHE LONG

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CONFIDENTIAL
AGREED ORDER
FOR
PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ADAM BLYTHE LONG, Registered Nurse License Number 798347, 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)(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered under the authority of Section 301.466(d), Texas Occupations Code, and approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 18, 2013.

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 a Diploma in Nursing from Baptist School of Nursing, Little Rock, Arkansas, on December 15, 2009. Respondent was licensed to practice professional nursing in the State of Texas on March 1, 2011.
5. Respondent's nursing employment history is unknown.

6. On June 15, 2012, Respondent was arrested by the Hempstead County Sheriff's Office, Hempstead, Arkansas, with POSSESS OF DRUGS PARAPHERNALIA, a misdemeanor offense, DRIVING LEFT OF CENTER, a misdemeanor offense, DRIVING WHILE INTOXICATED-DRUGS, a misdemeanor offense, and POSSESSION OF CONTROLLED SUBSTANCE, a misdemeanor offense. On or about May 21, 2013, Case No. TR-12-3264 for DRIVING LEFT OF CENTER, and Case No. CR-12-3397 for POSSESSION OF DRUGS PARAPHERNALIA, was dismissed in the District Court of Hempstead County, Arkansas.
7. On or about, May 21, 2013, Respondent entered a plea of Not Guilty and was found Guilty and convicted of POSSESSION OF CONTROLLED SUBSTANCE, committed on June 15, 2012, in the District Court of Hempstead County, Arkansas, under Case No. CR12-3398. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
8. On or about, May 21, 2013, Respondent entered a plea of Not Guilty and was found Guilty and convicted of DRIVING WHILE INTOXICATED-DRUGS, committed on June 15, 2012, in the District Court of Hempstead County, Arkansas, under Case No. DWI-12-86. As a result of the conviction, Respondent was sentenced to the Hempstead County Jail for a period of thirty Respondent was ordered to pay a fine and court costs.
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states he is writing this letter of explanation in accordance with the eligibility question number, in which he answered yes. On June 15, 2012, he was pulled over and he was arrested for DWI. He had worked numerous shifts in the ER at Medical Park Hospital. He was pulled over in Hempstead County, by Arkansas State Police. He was accused of crossing left of center, failed a sobriety test, and possession of paraphernalia, and possession of a controlled substance. He was placed in jail where he spent eight hours and was released.
10. On or about November 20, 2013, Respondent was seen by John Lehman, Ph.D., P.C. to undergo a Chemical Dependency Evaluation. The following is the Dr. Lehman's, response:

Summary:

Respondent is a 34 year old male referred by the Board of Nursing for an evaluation when on the renewal form he self disclosed an arrest for DUI, possession of drug paraphernalia, and possession of a controlled substance (k-2). The primary diagnoses are chemical dependency (K-2), alcohol abuse, and ADHD Inattentive Type (by history). He reports that he quit K-2 and drinks sporadically. Because of this, an IOP and continued work with a psychiatrist should be sufficient. A referral to TPAPN would be appropriate, and he has agreed to cooperate.

1. Respondent has a chemical dependency that is untreated. He would recommend the following treatment plan:
 - a. Referral to TPAPN for their standard chemical dependency contract
 - b. Involvement in an intensive outpatient program for rehabilitation (he is investigating the availability in his area)
 - c. He believes with those in place, and TPAPN monitoring, he will be fit to practice.

2. He reports, and his behavior and history are consistent, that he has ADHD. He would concur with that. He would suggest the following treatment:
- a. Continued involvement with his psychiatrist with clarity that use of controlled substances for management is not recommended.
12. 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.
 13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
 14. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
 15. 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(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 798347, heretofore issued to ADAM BLYTHE LONG, up to, and 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 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 and complete the enrollment process, 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 that, while RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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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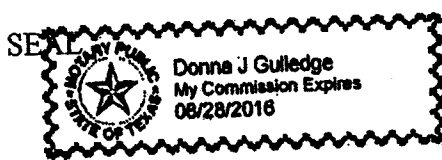
RESPONDENT'S CERTIFICATION

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 11 day of March, 2014.

Adam Blythe Long
ADAM BLYTHE LONG, RESPONDENT

Sworn to and subscribed before me this 11th day of March, 2014.



Donna J. Gullede
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 Confidential Agreed Order for Peer Assistance Program that was signed on the 11th day of March, 2013, by ADAM BLYTHE LONG, Registered Nurse License Number 798347, and said Order is final.

Entered and effective this 14th day of March, 2014.



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