



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

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In the Matter of §  
Vocational Nurse License Number 229265 §  
issued to NICHOLAS VINCENT OBRYAN §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 229265, issued to NICHOLAS VINCENT OBRYAN, 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 vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate from Alvin Community College, Alvin, Texas, on May 11, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on August 5, 2010.
4. Respondent's nursing employment history includes:

08/2010 - 12/2012	Unknown	
01/2013 - 04/2013	LVN	Ashton Parke Care Center Texas City, Texas
05/2013 - Present	Unknown	

5. On or about February 10, 2014, Respondent was issued an Agreed Order by the Texas Board of Nursing which required him to participate in, and successfully complete the Texas Peer Assistance Program for Nurses. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 10, 2014, is attached and incorporated by reference as part of this order.
6. On or about May 16, 2014, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on February 10, 2014. Non-compliance is the result of Respondent's failure to initiate participation with the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number One (1) of the Agreed Order dated February 10, 2014, states:

“(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.

On or about May 16, 2014, Respondent was dismissed from TPAPN and referred to the Board.
7. Formal Charges were filed on June 16, 2014.
8. Formal Charges were mailed to Respondent on June 17, 2014.
9. On July 2, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated June 1, 2014, is attached and incorporated herein by reference as part of this Order.
10. 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.
11. 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(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 229265, heretofore issued to NICHOLAS VINCENT OBRYAN, 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 Vocational Nurse License Number 229265, heretofore issued to NICHOLAS VINCENT OBRYAN, to practice nursing in the State of Texas, is/are 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 nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a/an vocational nurse during the period in which the license/s is/are 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 2nd day of July, 2014.

TEXAS BOARD OF NURSING

By:



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

NICHOLAS VINCENT O'BRYAN  
923 Felling Leaf  
Friendswood, Texas 77546  
Vocational Nurse License Number 229265  
Voluntary Surrender Statement

Dear Texas Board of Nursing:

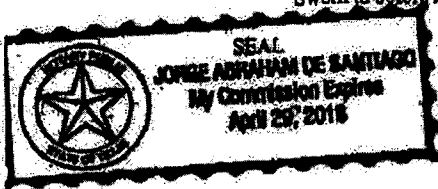
I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas.  
I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature NVO  
Date 6/1/14  
Vocational Nurse License Number 229265

The State of Texas

Before me, the undersigned authority, on this date personally appeared NICHOLAS VINCENT O'BRYAN who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 30<sup>th</sup> day of June, 2014.



[Signature]  
Notary Public in and for the State of Texas

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Vocational Nurse License Number 229265  
issued to NICHOLAS VINCENT O'BRYAN

§  
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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 NICHOLAS VINCENT O'BRYAN, Vocational Nurse License Number 229265, 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),(12)&(13) 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 September 20, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Alvin Community College, Alvin, Texas, on May 11, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on August 5, 2010.
5. Respondent's vocational nursing employment history includes:

01/2013 - 04/2013

LVN

Ashton Parke Care Center  
Texas City, Texas

05/2013 - present

Unknown

**RECEIVED**  
FEB 13 2014  
BY: \_\_\_\_\_

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Ashton Parke Care Center, Texas City, Texas, and had been in this position for approximately three (3) months.
7. On or about April 15, 2013, through April 18, 2013, while employed as a Licensed Vocational Nurse with Ashton Parke Care Center, Texas City, Texas, Respondent misappropriated Hydrocodone belonging to the facility and patients thereof, in that he admitted that he misappropriated the Hydrocodone and threw the blister pack and count sheet associated with the Hydrocodone in the shredder. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about April 15, 2013, through April 18, 2013, while employed as a Licensed Vocational Nurse with Ashton Parke Care Center, Texas City, Texas, Respondent lacked fitness to practice vocational nursing in that he admitted that he had an addiction, and was actively seeking help with the Texas Peer Assistance Program for Nurses (TPAPN). 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.
9. On or about June 4, 2013, Respondent attempted to obtain Hydrocodone from the Walgreen's Pharmacy, Friendswood, Texas, under the name Briana Head, through the use of a fraudulent prescription, using the name and Drug Enforcement Agency (DEA) Number assigned to Dr. Lawrence H. Nguyen. Subsequently, on or about June 4, 2013, Respondent was arrested for FRAUD USE REGISTRANT ORDER FORM SCH III/IV, a 3rd Degree Felony Offense, by the Friendswood Police Department, Friendswood, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. 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.
11. 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.
12. Charges were filed on August 27, 2013.
13. Charges were mailed to Respondent on August 27, 2013.
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.

BY: \_\_\_\_\_  
FEB 13 2014

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 §217.11(1)(B)&(1)(F) and §217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(8),(10)(B),(10)(E) &(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), (12)&(13), Texas Occupations Code, to take disciplinary action against, Vocational Nurse License Number 229265, heretofore issued to NICHOLAS VINCENT O'BRYAN, 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.

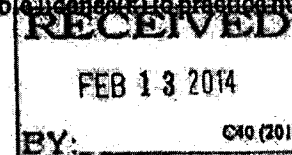
ORDER

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 three hundred fifty dollars (\$350.00) 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.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the conduct described in Finding of Fact Number Nine (9), said judicial action will result in further disciplinary action, up to and including Revocation of Respondent's license(s) to practice nursing in the State of Texas.

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.

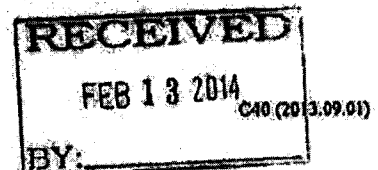
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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.

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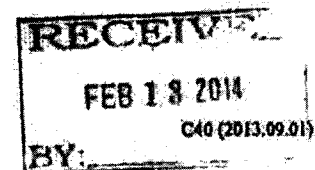
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IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, 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.

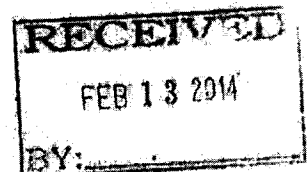
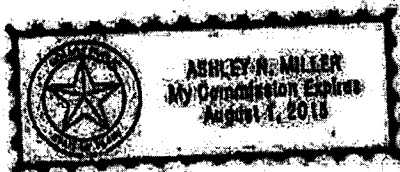
Signed this 6<sup>th</sup> day of February, 2014

Nicholas Vincent O'Bryan  
 NICHOLAS VINCENT O'BRYAN, RESPONDENT

Sworn to and subscribed before me this 6 day of February, 2014.

SHAL

Ashley Miller  
 Notary Public in and for the State of TX



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 6<sup>th</sup> day of February, 2014, by NICHOLAS VINCENT O'BRYAN, Vocational Nurse License Number 229265, and said Order is final.

Entered and effective this 10<sup>th</sup> day of February, 2014.



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

