

IN THE MATTER OF §  
PERMANENT REGISTERED NURSE §  
LICENSE NUMBER 638216 §  
ISSUED TO §  
GREGORY MARK HOPKINS §

BEFORE THE TEXAS  
BOARD OF NURSING  
  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE



*Patricia R. Plummer*  
Executive Director of the Board

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.

**ORDER OF THE BOARD**

TO: Gregory Mark Hopkins  
9241 S. Sand Hill St.  
Highlands Ranch, CO 80126

During open meeting held in Austin, Texas, on **Tuesday, August 19, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 638216, previously issued to GREGORY MARK HOPKINS, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 19th day of August, 2014.

TEXAS BOARD OF NURSING

BY:



\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed May 16, 2014.

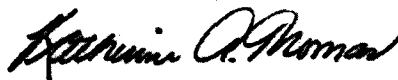
Re: Permanent Registered Nurse License Number 638216  
Issued to GREGORY MARK HOPKINS  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> day of AUGUST, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

GREGORY MARK HOPKINS  
9241 S. SAND HILL ST.  
HIGHLANDS RANCH, CO 80126



BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Registered Nurse</b>	§	
<b>License Number 638216</b>	§	
<b>Issued to GREGORY MARK HOPKINS,</b>	§	
<b>Respondent</b>	§	<b>BOARD OF NURSING</b>

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GREGORY MARK HOPKINS, is a Registered Nurse holding License Number 638216, which is in delinquent 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 January 8, 2014, Respondent received a Stipulation and Final Agency Order from the Colorado Board of Nursing, wherein his license to practice professional nursing in the State of Colorado was relinquished. A copy of the Order dated January 8, 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)(8), Texas Occupations Code.

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. 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](http://www.bon.texas.gov).

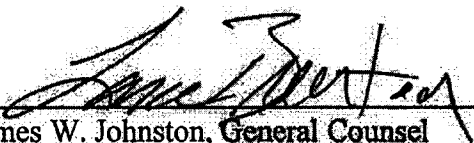
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.  
CONTINUED ON NEXT PAGE.

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: Stipulation and Final Agency Order from the Colorado Board of Nursing dated January 8, 2014.

Filed this 16<sup>th</sup> day of May, 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

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

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

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation and Final Agency Order from the Colorado Board of Nursing dated January 8, 2014.

D/2013.11.19



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office.

*Wally A. Chappo 11/21/14*  
Authorized Signature

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. 2013-2260

---

**STIPULATION AND FINAL AGENCY ORDER**

---

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO OF GREGORY M. HOPKINS, RN, LICENSE NO. RN 90009,

Respondent.

---

IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel A (the "Board"), and Gregory M. Hopkins, RN ("Respondent"), as follows:

1. Respondent was licensed to practice as a professional nurse in the State of Colorado on April 1, 1989, has been licensed at all relevant times herein, and is now so licensed.

2. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Agency Order ("Order").

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2013-2260 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe, or affect this Order.

4. Respondent understands and acknowledges that:

a. Respondent has the right to be represented by an attorney of the Respondent's choice, and Respondent is so represented in this matter;

b. Respondent has the right to a formal disciplinary hearing pursuant to sections 12-38-116.5 and 24-4-105, C.R.S.;

c. By entering into this Order, Respondent knowingly and voluntarily waives the right to a hearing and relieves the Board of its burden of proving the facts alleged in this Order;

d. By entering into this Order, Respondent knowingly and voluntarily waives the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board; and

e. By entering into this Order, Respondent knowingly and voluntarily waives the right to seek judicial review of this Order.

5. The Board alleges:

a. Respondent was employed as an advanced practice nurse at Presbyterian/St. Luke's Medical Center ("PSL") and The Medical Center of Aurora ("TMCA") at all relevant times herein.

b. PSL conducted an audit of Respondent's narcotic withdrawals for the period from May 14, 2013 through May 31, 2013. The audit revealed the following:

(i) the amounts of fentanyl withdrawn by Respondent did not match the amounts documented in the anesthesia record as administered;

(ii) Respondent demonstrated significantly higher withdrawals of fentanyl than other nurses in the facility;

(iii) Respondent withdrew fentanyl from multiple locations for each patient;

(iv) Respondent withdrew fentanyl several hours before a surgical case was scheduled to begin; and

(v) Respondent never wasted fentanyl during May 2013.

c. On June 26, 2013, Respondent was sent for a urine drug screen. The results were positive for fentanyl and norfentanyl.

6. Respondent denies the allegations in paragraph 5 above, yet acknowledges that, if the Board were to prove the allegations at hearing, it would constitute a prima facie case of conduct that would subject Respondent to discipline pursuant to section 12-38-117(1)(f), (h), (i), (l) and (p), C.R.S.

7. The Board is authorized by section 12-38-116.5(4)(c)(III), C.R.S., to order appropriate disciplinary sanctions as set forth in this Order.

8. The Board is authorized to suspend, revoke, impose an administrative fine, or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

**12-38-117. Grounds for discipline.** (1) "Grounds for discipline," as used in this article, means any action by any person who:

(f) Has negligently or willfully practiced nursing in a manner which fails to meet generally accepted standards for such nursing practice;

- (h) Has falsified or in a negligent manner made incorrect entries or failed to make essential entries on patient records;
- (i) Excessively uses or abuses alcohol, habit-forming drugs, controlled substances, as defined in section 12-22-303, or other drugs having similar effects, or is diverting controlled substances, as defined in section 12-22-303, or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such excessive use or abuse;
- (l) Has engaged in any conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse. In conjunction with any disciplinary proceeding pertaining to this paragraph (l), the board shall be governed by the provisions of section 24-5-101, C.R.S.;
- (p) Has prescribed, distributed, or given to himself or herself or a family member any controlled substance as defined in part 2 of article 18 of title 18, C.R.S., or as contained in schedule II of 21 U.S.C. sec. 812.

9. Respondent hereby relinquishes the license and the right to practice as a professional nurse in the State of Colorado, and requests that this Order be accepted by the Board with the same force and effect as an order entered as a result of a formal disciplinary hearing. Additionally, while this Order is in effect, Respondent agrees to not practice professional nursing in the State of Colorado pursuant to the Nurse Licensure Compact, sections 24-60-3201 and -3202, C.R.S. The Board finds that it is in the public interest to accept said relinquishment with the full force and effect of a revocation ordered by the Board. Respondent tenders the license simultaneously with execution of this document.

10. Respondent understands that if Respondent applies for licensure at any future time, Respondent will be required to comply with all licensure criteria which exist at the time of the application, including re-examination, if necessary.

11. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

12. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.



13. This Order shall become an order of the Board when accepted and signed by the Program Director or other authorized Board representative.


14. This Order shall become effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

15. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the Healthcare Integrity and Protection Data Bank, and as otherwise required by state or federal law.

RESPONDENT

  
GREGORY M. HOPKINS, RN

STATE BOARD OF NURSING

  
GEORGIA ROBERTS  
Program Director  
State Board of Nursing  
1560 Broadway, Suite 1370  
Denver, Colorado 80202

Effective Date: This 5<sup>th</sup> day of  
January, 2014.