



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 § AGREED
Vocational Nurse License Number 217830 §
issued to DAVID JOHN MATKO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAVID JOHN MATKO, Vocational Nurse License Number 217830, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 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 Victoria College, Victoria, Texas, on August 8, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on September 16, 2008.
5. Respondent's nursing employment history includes:

9/2008 - 06/2012	Staff LVN Inpatient Psychiatric	Austin State Hospital Austin, Texas
6/2012 - Present	Staff LVN Inpatient Rehabilitation	Windsor Nursing Rehabilitation Center, Austin, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Austin State Hospital, Austin, Texas and had been in this position for three (3) years and seven (7) months.
7. On or about February 23, 2012, while employed as a Licensed Vocational Nurse with the Austin State Hospital, Austin, Texas, Respondent physically forced Patient Medical Record Number 246540, into a prone position after the patient refused to take his medication and threw a glass of water. Respondent's conduct exposed the patient unnecessarily to a risk of harm from physical and emotional abuse and disrupted this patient's planned treatment.
8. On or about December 31, 2013, Respondent was arrested by the Magnolia Police Department, Magnolia, Texas, for DRIVING WHILE INTOXICATED a class B misdemeanor offense; and having an OPEN ALCOHOL CONTAINER, a class B misdemeanor offense. These cases are still pending.
9. In response to Finding of Fact Number Seven (7), Respondent states that he bent down to speak with the patient to explain that the medication prescribed was court ordered and that he was not responsible for the patient's medication change. Respondent states that the nurse's aide restrained the patient.
10. Respondent, by his/her signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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 §§217.11(1)(A),(1)(B)&(1)(M) and 217.12(1)(A),(1)(B),(4),(6)(C)&(6)(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 217830, heretofore issued to DAVID JOHN MATKO, 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, as amended, 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 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 217830, heretofore issued to DAVID JOHN MATKO, to practice nursing in the State of Texas, is accepted by 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 "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 vocational 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.

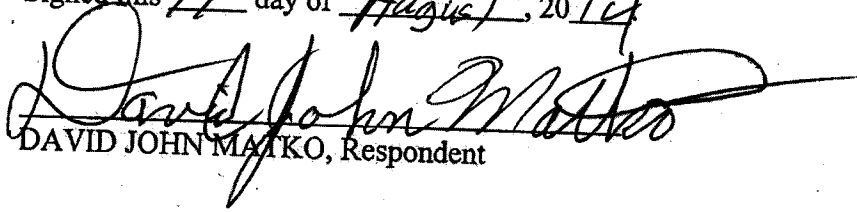
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RESPONDENT'S CERTIFICATION

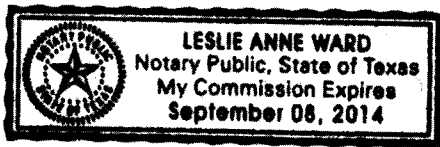
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

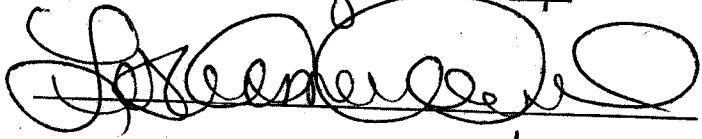
Signed this 19th day of August, 2014


DAVID JOHN MATKO, Respondent

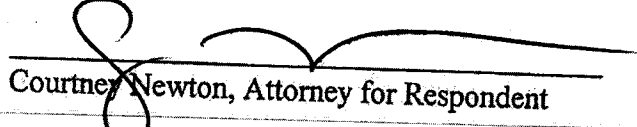
Sworn to and subscribed before me this 19 day of August, 2014.

SEAL




Notary Public in and for the State of Texas

Approved as to form and substance.


Courtney Newton, Attorney for Respondent

Signed this 25th day of August, 2014.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 217830, previously issued to DAVID JOHN MATKO.

Effective this 26th day of August, 2014.



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