

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Registered Nurse License Number 544381 §  
& Vocational Nurse License Number 80056 §  
issued to MARK R HAMMEL §



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 Thomas*  
Executive Director of the Board

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 544381, and Vocational Nurse License Number 80056, issued to MARK R HAMMEL, 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's license to practice vocational nursing in the State of Texas is in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Southwestern College, Chula Vista, California, on December 21, 1977; and received a Baccalaureate Degree in Nursing from University of Texas at Arlington, Arlington, Texas, on August 21, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on April 11, 1979, and was licensed to practice professional nursing in the State of Texas on March 29, 1988.
4. Respondent's nursing employment history includes:
 

1980-1982	Licensed Vocational Nurse	San Diego Mental Health Department San Diego, California
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Respondent's nursing employment history continued:

1982-1985	Licensed Vocational Nurse	Nurse Finders Fort Worth, Texas
1985-2000	Licensed Vocational Nurse/ Registered Nurse	Osteopathic Medical Center Fort Worth, Texas
1993-1994	Registered Nurse	Medical Plaza Hospital Fort Worth, Texas
2000-2002	Registered Nurse	Harris Methodist Hospital Bedford, Texas
2002-2013	Registered Nurse	Plaza Medical Center Fort Worth, Texas
2013-2014	Registered Nurse	Texas Specialty Hospital/ Promise Hospital Dallas, Texas
2014-Present	Not employed in nursing	

5. On or about January 1, 2013, through January 17, 2013, while employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, Respondent withdrew Morphine, Fentanyl, Dilaudid, and Hydrocodone from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
6. On or about January 1, 2013, through January 17, 2013, while employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, Respondent misappropriated Morphine, Fentanyl, Dilaudid, and Hydrocodone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
7. On or about January 1, 2013, through January 17, 2013, while employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, Respondent withdrew Morphine, Fentanyl, Dilaudid, and Hydrocodone from the Medication Dispensing System for a patient in excess frequency/dosage of physicians' orders. Respondent's conduct was likely to injure the patient in that the administration of medication in excess dosage of the physicians' orders could result in the patient suffering from adverse reactions, and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about January 7, 2013, while employed as a Registered Nurse with Plaza Medical Center, Fort Worth, Texas, Respondent engaged in the intemperate use of Morphine, Hydromorphone, Fentanyl, Norfentanyl, and Hydrocodone, in that he produced a specimen for a drug screen that resulted positive for Morphine, Hydromorphone, Fentanyl, Norfentanyl, and Hydrocodone. Unlawful possession of Morphine, Hydromorphone, Fentanyl, Norfentanyl, and Hydrocodone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Morphine, Hydromorphone, Fentanyl, Norfentanyl, and Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
9. On or about January 23, 2013, Respondent was referred to the Texas Peer Assistance Program for Nurses (TPAPN) for drug use, and subsequently signed a Participation Agreement on January 29, 2013. On or about February 19, 2014, while participating in TPAPN, Respondent submitted to a urine drug screen with a temperature that did not register (cold urine sample), and as a result, Respondent restarted his participation with TPAPN on March 4, 2014. In addition, on May 12, 2014, TPAPN was notified by his employer that he had been terminated for multiple medication errors and for attempting to access the pyxis while another nurse was signed in to system, which were violations of his narcotic restriction. Consequently, due to his noncompliance, TPAPN closed his case and referred him to the Texas Board of Nursing.
10. On or about May 8, 2014, while employed as a Registered Nurse with Promise Hospital of Dallas, Dallas, Texas, Respondent attempted to access the Pyxis while another nurse was signed in to the system. Respondent's conduct was likely to deceive the pharmacy and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. On April 13, 2015, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated April 10, 2015, is attached and incorporated herein by reference as part of this Order.
12. 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.
13. 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 §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 544381, and Vocational Nurse License Number 80056, heretofore issued to MARK R HAMMEL, 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 544381, and Vocational Nurse License Number 80056, heretofore issued to MARK R HAMMEL, to practice nursing in the State of Texas, 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 professional nursing, use the title of "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the licenses 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 29th day of April, 2015.

TEXAS BOARD OF NURSING

By:



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

MARK R HAMMEL  
9721 PRAIRIE COURT  
FORT WORTH, TX 76244  
Registered Nurse License Number 544381, and Vocational Nurse License Number 80056

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 Mark Hammel

Date 04/10/2015

Registered Nurse License Number 544381, and Vocational Nurse License Number 80056

The State of Texas

Before me, the undersigned authority, on this date personally appeared MARK R. HAMMEL 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

Notary Public in and for the State of \_\_\_\_\_