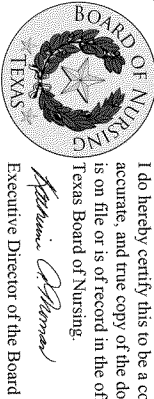


IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 650035 &
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 159276
ISSUED TO DAVID DOUGLAS HASKELL
RESPONDENT

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING
§
§ ELIGIBILITY AND
§
§ DISCIPLINARY COMMITTEE



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: DAVID DOUGLAS HASKELL
3529 102ND STREET
LUBBOCK, TX 79423

During open meeting held in Austin, Texas, on **May 12, 2015**, 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 650035, and Permanent Vocational Nurse License Number 159276, previously issued to DAVID DOUGLAS HASKELL, 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 12th day of May, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed January 16, 2015.

Re: Permanent Registered Nurse License Number 650035
& Permanent Vocational Nurse License Number 159276
Issued to DAVID DOUGLAS HASKELL
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13 day of May, 20 15, 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

DAVID DOUGLAS HASKELL
3529 102ND STREET
LUBBOCK, TX 79423

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 650035 &	§	
Permanent Vocational Nurse	§	
License Number 159276	§	
Issued to DAVID DOUGLAS HASKELL,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAVID DOUGLAS HASKELL, is a Registered Nurse holding License Number 650035, which is in Delinquent status at the time of this pleading, and is a Vocational Nurse holding License Number 159276, 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 February 3, 2014, Respondent failed to comply with the Reinstatement Agreed Order issued to him on January 19, 2012, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Six (6) of the Reinstatement Agreed Order which states, in pertinent part:

(6) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure.

A copy of the January 19, 2012, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law 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) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

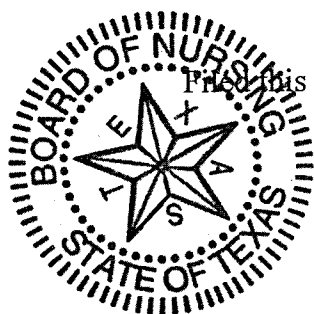
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. 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.

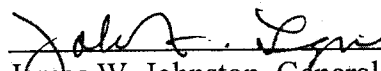
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

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: Reinstatement Agreed Order dated January 19, 2012.



Filed this 16th day of January, 20 15.

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

Natalie E. Adelaja, Assistant General Counsel
State Bar No. 24064715

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

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

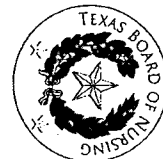
John F. Legris, Assistant General Counsel
State Bar No. 00785533

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: Reinstatement Agreed Order dated January 19, 2012.

D/2014.08.18



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.
Heidi A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	
License Number 159276 and Registered Nurse	§	
License Number 650035	§	REINSTATEMENT
issued to DAVID DOUGLAS HASKELL	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 159276, and Registered Nurse License Number 650035, held by DAVID DOUGLAS HASKELL, hereinafter referred to as Petitioner.

An informal conference was held on November 1, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on September 16, 1996. Petitioner was licensed as a Vocational Nurse in the State of Texas on September 24, 1996. Petitioner received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1997. Petitioner was licensed as a Registered Nurse in the State of Texas on April 6, 1998.

4. Petitioner's professional nursing employment history includes:

1/97 - 7/97	LVN/GN	Healthsouth Rehabilitation Hospital Midland, Texas
1/97 - 7/97	LVN/GN	Medical Center Hospital Odessa, Texas
7/97 - 4/98	LVN/RN	Healthsouth Rehabilitation Hospital Austin, Texas
7/98 - 7/99	RN	Midland Memorial Hospital Midland, Texas
8/99 - 9/00	Charge Nurse	Trinity Haven Healthcare Center Midland, Texas
10/00 - 7/01	Unknown	
8/01 - 10/01	RN	Fresenius Medical Care Odessa, Texas
11/01 - present	Not employed in nursing	

5. On April 27, 2000, Petitioner was issued an Agreed Order which required him to enter and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 27, 2000, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On December 10, 2002, Petitioner's license to practice professional nursing was Revoked by the Texas Board of Nursing. A copy of the December 10, 2002, Order of the Board is attached and incorporated, by reference, as a part of this Order.
7. On August 11, 2011, Petitioner submitted a Petition for Reinstatement of License to practice vocational and professional nursing in the State of Texas.
8. Petitioner presented the following in support of his petition:
- 8.1. Documentation of Discharge by the Texas Department of Criminal Justice dated October 14, 2005.
- 8.2. Certificate of Completion, dated 2005, of an Intensive Residential Substance Abuse Treatment Program, the Turning Point, Odessa, Texas.

- 8.3. Letter of support, dated July 27, 2011, from Cindy Ford, RhD, RN, CNE, Lubbock Christian University, Lubbock, Texas, states in the event the Board decides to allow Petitioner to pursue eventual reinstatement of his Texas RN licensure via a comprehensive review course, she is offering her support and services to Petitioner. After careful consideration of the documents presented and the personal testimony from Petitioner she is prepared to assist him in accordance with the requirements set forth by the Texas Board of Nursing.
- 8.4. Letter of support, dated June 22, 2011, from Karmen Adkins, MEd, LPC, LCDC, Lubbock, Texas, states she has had experience in the field of addiction and recovery for five (5) years. It is rare that she has the opportunity to see persons who have fully integrated a sober, wholesome lifestyle years after the treatment process has been completed, although Petitioner is a true example of this. Petitioner is a genuine and passionate individual who works very hard to provide for his family. He is always willing to lend a hand to those who need it, and is truly a good friend. Ms. Adkins sees Petitioner regularly demonstrate compassion, love and tolerance within his family as well as his community. Ms. Adkins would certainly recommend Petitioner for any task where being considerate, caring, and committed are valued.
- 8.5. Letter of support, dated June 16, 2011, from Larry C. Allen, Chairman and CEO, Peoples Bank, Lubbock, Texas, states he has known Petitioner for over five (5) years on a personal level, and the past three (3) years as his banker. Petitioner is a loving and caring individual that has worked hard to provide a warm and loving home for his family. As an individual, Petitioner is a man of character and integrity. Mr. Allen is fully aware of Petitioner's past deeds that facilitated the loss of his nursing license. Mr. Allen believes changes have occurred with Petitioner and hopes he gets a second chance.
- 8.6. Letter of support, dated July 8, 2011, from Terry Anthony, Production Specialty Service, Sundown, Texas, states Petitioner has worked for Production Specialty Services for three and a half (3-1/2) years. Mr. Anthony has been Petitioner's supervisor for two (2) of those years. Petitioner is a very responsible and hard working employee. He is always on time for work and gets along well with other employees. Mr. Anthony has no problem recommending Petitioner for any job or promotion he might be in line for.
- 8.7. Letter of support, dated June 21, 2011, from John J. Wagner, Lead/Senior Pastor, Turning Point Community Church, Lubbock, Texas, states he has known Petitioner for only one (1) year but has had numerous occasions on which he has been able to observe him and interact with him. Petitioner's involvement in the church as a congregant and a volunteer in the children's ministry has been exemplary. He is loyal, committed, consistent, and fully engaged in the life of the church. His attitude in all things has been one of excellence. Petitioner has shown the utmost responsibility and care in whatever setting he has served in.

- 8.8. Letter of support from Aubrey Haskell, Petitioner's wife, Lubbock, Texas, states she knows the emotional struggles that led Petitioner to take different paths in his life. Over the years, Ms. Haskell has watched Petitioner work so very hard to provide for the family. Ms. Haskell knows that Petitioner's mistakes had to happen in order for him to be the man he is today. He is the most dedicated worker she has ever seen and anyone would be blessed to have him as their nurse, employee, or co-worker.
- 8.9. Letter of support, dated June 24, 2011, from John M. Haskell, RN, Petitioner's brother, states Petitioner's past has been afflicted by self destruction associated with his prior drug addiction. Mr. Haskell was witness to Petitioner's divorce, arrest, and imprisonment. He was, at that time, a danger to himself and a potential danger to his patients. For the past six (6) or more years, Petitioner has lived in Lubbock and has reinvented himself. He has found strength in the love of family and has been devotedly married once again. When tested with life's inevitable hardships, Petitioner no longer turns to easy ways out like drugs. He has a vast support system of faith and family.
- 8.10. Letter of support, dated June 24, 2011, from Stephen D. Haskell, RN, CNOR, RNFA, Petitioner's father, states he was deeply saddened that Petitioner lost his license to poor career choices and his drug addiction. That has been many years in the past. He was prohibited from completing TPAPN and BON review because he could not attend. He was incarcerated and by default, he was not given his due process. He could not attend the hearings that were scheduled. Petitioner is currently drug free, married and working very responsibly in another field. He is doing everything to get his RN license back. His recent return to a Christian lifestyle is the greatest example of his rehabilitation. As his father, Mr. Haskell suffered many years of anguish with Petitioner's lifestyle, but now he can recommend him without any reservations.
- 8.11. Documentation of thirteen (13) negative random drug screens collected from June 14, 2010, through June 9, 2011.
- 8.12. Verification of successful completion of at least twenty (20) Continuing Education Contact Hours.
9. Petitioner gives March 2005, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DAVID DOUGLAS HASKELL, Vocational Nurse License Number 159276, and Registered Nurse License Number 650035, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to DAVID DOUGLAS HASKELL, shall be subject to the following agreed post-licensure probation conditions:

(6) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR

THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(8) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(9) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(10) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL

work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(13) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(14) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(15) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(16) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed.

The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten

(10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(17) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(18) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER's licenses to practice vocational and professional nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my licenses to practice vocational and professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my licenses to practice vocational and professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

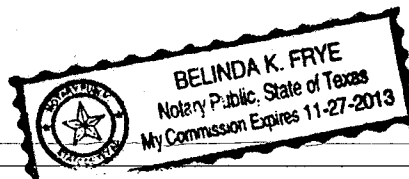
Signed this 28 day of November, 2011.

David Douglas Haskell
DAVID DOUGLAS HASKELL, Petitioner

Sworn to and subscribed before me this 28 day of Nov, 2011.

SEAL

Belinda K. Frye
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 28th day of November, 2011, by DAVID DOUGLAS HASKELL, Vocational Nurse License Number 159276, and Registered Nurse License Number 650035, and said Order is final.

Effective this 19th day of January, 2012.



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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 650035	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
DAVID DOUGLAS HASKELL	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: David Douglas Haskell
3519 West Michigan Avenue
Midland, Texas 79703

During open meeting held in Austin, Texas, on December 10, 2002, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE, §213.16.

The Committee of the Board of Nurse Examiners 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 Texas Occupations Code, for retention of Respondent's license to practice professional 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE, §213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code, §2001.056 and 22 Texas Administrative Code, §213.16.

The Eligibility and Disciplinary 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 to set aside the default order (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 Certificate Number 650035, previously issued to DAVID DOUGLAS HASKELL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 650035, previously issued to DAVID DOUGLAS HASKELL, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 10th day of December, 2002.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	BEFORE THE BOARD
Number 650035, Issued to	§	OF NURSE EXAMINERS
DAVID DOUGLAS HASKELL, Respondent	§	FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAVID DOUGLAS HASKELL, is a Registered Nurse holding license number 650035, 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 March 9, 2000, Respondent was found guilty of the offense of Theft, a Class B Misdemeanor and a crime of moral turpitude, by the County Court of Midland County, Texas, Cause Number 86966.

The above action constitutes a violation of Section 301.452(b)(3), Texas Occupations Code.

CHARGE II.

On or about March 9, 2000, Respondent was found guilty of the offense of Driving a Motor Vehicle in a Public Place within said County, while Intoxicated, a Class B Misdemeanor, by the County Court of Midland County, Texas, Cause Number 87328.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(1).

CHARGE III.

On or about March 9, 2000, Respondent was found guilty of the offense of Evading Detention, a Class B Misdemeanor, by the County Court of Midland County, Texas, Cause Number 87329.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(1).

CHARGE IV.

On or about March 9, 2000, Respondent was found guilty of the offense of Reckless Driving, a misdemeanor, and a violation of the Texas Uniform Driving Act, by the County Court of Midland County, Texas, Cause Number 87330.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(1).

CHARGE V.

On or about June 1, 2000, Respondent was found guilty of the offense of Driving While License Suspended, a Misdemeanor, by the County Court of Midland County, Texas, Cause Number 88323.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(1).

CHARGE VI.

On or about October 19, 2000, Respondent provided false and deceptive information on an application for renewal of his nursing license submitted to the Board of Nurse Examiners for the State of Texas in that he answered "no" to the following question:

"Since the issuance or the last renewal of your RN license, have you been convicted of a felony or Misdemeanor other than a minor traffic violation?"

1. On or about March 9, 2000, Respondent was convicted of the following offenses by the County Court of Midland County, Texas:
 - a. Theft, a Class B Misdemeanor, Cause Number 86966;
 - b. Driving a Motor Vehicle in a Public Place within said county While Intoxicated, a Class B Misdemeanor, Cause Number 87328;
 - c. Evading Detention, a Class B Misdemeanor, Cause Number 87239; and
 - d. Reckless Driving, a violation of the Texas Uniform Driving Act, a Misdemeanor, Cause Number 78330.
2. On or about June 1, 2000, Respondent was convicted of the offense of Driving While License Suspended, a Misdemeanor, Cause Number 88323.

The above action constitutes a violation of Section 301.452(b)(2) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 217.12(22).

CHARGE XI.

On or about November 21, 2001, Respondent's community supervision was revoked and he was adjudged guilty of Possession of a Controlled Substance, a State Felony Jail Offense in the District Court 142nd Judicial District, Midland County, Texas, Cause Number CR25085 Count I. Respondent was assessed twenty (20) months in the State Jail Division of the Texas Department of Criminal Justice

The above action constitutes a violation of Section 301.452(b)(3), Texas Occupations Code.

CHARGE XII.

On or about November 21, 2001, Respondent's community supervision was revoked and he was adjudged guilty of Possession of a Controlled Substance, to wit: Xanax, a State Felony Jail Offense in the District Court 142nd Judicial District, Midland County, Texas, Cause Number CR25085 Count II. Respondent was assessed twenty (20) months in the State Jail Division of the Texas Department of Criminal Justice

The above action constitutes a violation of Section 301.452(b)(3), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33. NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as a part of this pleading.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support to the disposition recommended by staff. Agreed Order dated April 27, 2000.

Filed this 25th day of September, 20 02.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-7401 or (512) 305-6870


E. Loy Sparks, Assistant General Counsel

State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-7401 or (512) 305-6870

Attachments: Sections 301.452(b)
Section 213.33, 22 Texas Administrative Code (repeal and new chapter adopted 06/98,
change effective 09/01/98. Amended 06/99, effective 07/20/99)
Order of the Board dated April 27, 2000
Section 217.12, 22 Texas Administrative Code

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 650035 § AGREED
issued to DAVID DOUGLAS HASKELL § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAVID DOUGLAS HASKELL, License Number 650035, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(8) and (9), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 23, 2000, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Midland College, Midland, Texas, in May 1997. Respondent was licensed to practice professional nursing in the State of Texas on April 6, 1998.

5. Respondent's professional employment history includes:

1/97 - 9/97	LVN/GN Health South Rehabilitation Hospital Midland, Texas
1/97 - 9/97	LVN/GN Medical Center Hospital Odessa, Texas
8/97 - 4/98	Staff Nurse Health South Rehabilitation Hospital Austin, Texas
7/98 - 7/99	Staff Nurse Midland Memorial Hospital Midland, Texas
7/99 - present	Unknown

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Midland Memorial Hospital, Midland, Texas, and had been in this position for one (1) month.
7. Respondent, on or about August 14, 1998, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Cocaine in that Respondent produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Cocaine by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
8. Respondent, on or about August 14, 1998, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Marijuana in that Respondent produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Marijuana by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

9. Respondent, on or about August 14, 1998, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Meperidine in that Respondent produced a specimen for a drug screen which resulted positive for Meperidine. Possession of Meperidine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Meperidine by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
10. Respondent, on or about September 1, 1998, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Marijuana in that Respondent produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Marijuana by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
11. Respondent, on or about September 1, 1998, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Cocaine in that Respondent produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Cocaine by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
12. Respondent, on or about June 23, 1999, while employed with Midland Memorial Hospital, Midland, Texas, engaged in the intemperate use of Phenobarbital in that Respondent produced a specimen for a drug screen which resulted positive for Phenobarbital. Possession of Phenobarbital is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). The use of Phenobarbital by a registered nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
14. 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.
15. Respondent's conduct described in Findings Numbered Seven through Twelve resulted from Respondent's impairment by dependency on chemicals.
16. 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 violations of Article 4525(b)(8) and (9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 650035, heretofore issued to DAVID DOUGLAS HASKELL, including revocation of Respondent's professional license 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, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, 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 and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED AND ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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 revocation of Respondent's license to practice professional nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 violations alleged herein. 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 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 Board of Nurse Examiners, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

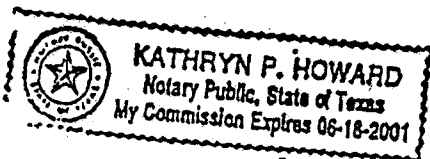
Signed this 14th day of April, 2000.

David Douglas Haskell RN
DAVID DOUGLAS HASKELL, Respondent

Sworn to and subscribed before me this 14th day of April, 2000.


SEAL

Kathryn P. Howard
Notary Public in and for the State of TEXAS



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 14th day of April, 2000, by DAVID DOUGLAS HASKELL, License Number 650035, and said Order is final.

Entered and effective this 27th day of April, 2000.


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