



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 626944
& Vocational Nurse License Number 150593,
issued to JEFF ALLEN WAGES

§ AGREED
§
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§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEFF ALLEN WAGES, Registered Nurse License Number 626944, and Vocational Nurse License Number 150593, 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)(2), (10), & (12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 5, 2015, subject to ratification by the Board.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas, on August 12, 1994, and received an Associate Degree in Nursing from El Paso Community College, El Paso, Texas, on December 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on November 17, 1994, and was licensed to practice professional nursing in the State of Texas on March 5, 1996.
5. Respondent's nursing employment history is unknown.
6. On or about November 5, 2003, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas, accepting the Voluntary Surrender of Registered Nurse License Number 626944. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 25, 2003, is attached and incorporated, by reference, as part of this Order.

7. On or about January 21, 2009, Respondent was issued a Reinstatement Agreed Order by the Board of Nurse Examiners for the State of Texas denying his petition for reinstatement. However, the denial was stayed and Respondent was required to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), and once accepted, to comply with all requirements of the TPAPN contract during its term. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 21, 2009, is attached and incorporated, by reference, as part of this Order.

In his petition for reinstatement, the Respondent disclosed that he had been placed on deferred adjudication probation on June 2, 2003, for *Possession of a Controlled Substance*. The Respondent entered a Court Residential Treatment Center in El Paso, Texas, on September 23, 2003, and completed DWI Offender Supervision on April 15, 2005.

8. On or about December 19, 2003, the Respondent entered a plea of No Contest to *Aggravated Driving While Intoxicated* in the Magistrate Court, State of New Mexico, under Cause Number DR 2003-00603, for which he received a suspended sentence of 364 days of supervised probation, mandatory alcohol screening, a court-ordered breath ignition interlock device, and was ordered to pay fees and court costs. The Respondent did not disclose this offense on his petition for reinstatement of his registered nursing license. This non-disclosure may have affected the Board's decision to reinstate his registered nursing license.
9. On or about October 5, 2013, Respondent was arrested by the Las Cruces Police Department and charged with *Aggravated DWI-Driving While under the Influence of Intoxicating Liquor/any Drug(refusal)* 1st, a misdemeanor offense, *Open Container* (1st Offense), a misdemeanor offense, and *Speeding* (Over by 1-10), a misdemeanor offense. On or about May 9, 2014, Respondent entered a plea of Not Guilty and was found Guilty by a jury verdict and was convicted of *Open Container (1st Offense)*, a misdemeanor offense, in the Dona Ana County Magistrate Court, Las Cruces, New Mexico, under Cause No. M-14-DR-2013-00980. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
10. 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.
11. Respondent's date of sobriety is November 1, 2013.
12. Respondent provided a letter of recommendation from a co-worker and a letter from his sponsor at Narcotics Anonymous, which he has attended regularly since late October 2013.

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(4), (5), (6)(I), & (13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2), (10), & (12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 626944, and Vocational Nurse License Number 150593, heretofore issued to JEFF ALLEN WAGES.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that , Registered Nurse License Number 626944, and Vocational Nurse License Number 150593, previously issued to JEFF ALLEN WAGES, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply 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 this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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. RESPONDENT 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 RESPONDENT'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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning

Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty five (45) days of the suspension being stayed. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT 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.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the

Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

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

(9) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT 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 Respondent is regularly assigned for one (1) year of employment as a nurse.

(11) RESPONDENT 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.

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

(13) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(14) RESPONDENT 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, RESPONDENT 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 RESPONDENT 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**

(15) RESPONDENT 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 probation 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 RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(16) RESPONDENT 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. RESPONDENT 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 RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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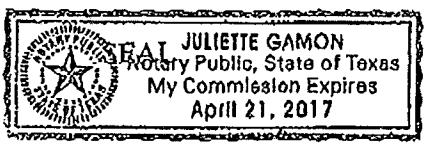
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RESPONDENT'S CERTIFICATION

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 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 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 7th day of MAY, 2015.
Jeff Allen Wages
JEFF ALLEN WAGES, Respondent

Sworn to and subscribed before me this 7 day of May, 2015.



Juliette Gamon
Notary Public in and for the State of Texas

Approved as to form and substance.
Darrin Dest
Darrin Dest, Attorney for Respondent

Signed this 7 day of May, 2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of May, 2015, by JEFF ALLEN WAGES, Registered Nurse License Number 626944, and Vocational Nurse License Number 150593, and said Order is final.

Effective this 16th day of June, 2015.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 626944
issued to JEFF A. WAGES

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**REINSTATEMENT
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 Registered Nurse License Number 626944, held by JEFF A. WAGES, hereinafter referred to as Petitioner.

An informal conference was held on December 16, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Louis Leichter, Attorney at Law. In attendance were Katherine Thomas, MN, RN, Executive Director; John Legris, Assistant General Counsel; Kyle Hensley, Assistant General Counsel; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Erin Menefee, Investigator; Christen Werley, Investigator; 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 notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from El Paso Community College, El Paso, Texas, on December 1, 1995. Petitioner was originally licensed to practice professional nursing in the State of Texas on March 5, 1996.

4. Petitioner's professional nursing employment history includes:

1996 - 1997	Staff/Charge Nurse	Columbia Medical Center West El Paso, Texas
1997 - 2000	Staff/Charge Nurse	Rio Vista Physical Rehabilitation Hospital El Paso, Texas
1997 - 2002	Staff Nurse	Del Sol Medical Center El Paso, Texas
2000	Staff Nurse	Loma Vista Dialysis El Paso, Texas
2000 - 2001	Staff Nurse	Sierra Medical Center El Paso, Texas
2001 - 2003	Staff Nurse	Southwest Nursing Staffing El Paso, Texas
2002	Staff Nurse	Odyssey Hospice El Paso, Texas
2003 - present	Not employed in nursing	

5. On November 25, 2003, the Texas Board of Nursing accepted the Voluntary Surrender of Petitioner's license to practice professional nursing. A copy of the November 25, 2003, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On or about October 9, 2008, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

7.1. Letter, dated September 17, 2008, from West Texas Community Supervision and Corrections Department, El Paso, Texas, indicating Petitioner was referred to the department's Pre-Trial Diversion Program on March 14, 1996, for the offense of Driving While Intoxicated. Petitioner was instructed to report to a Caseworker and follow all terms and conditions of the program for a period of one (1) year. On September 11, 1996, Petitioner was discharged due to successful completion of the program. Petitioner was also placed on Deferred Adjudication Probation on June 2, 2003, for the offense of Possession of Controlled Substance. On June 29, 2007, Petitioner's case was terminated with no further obligations to the department.

- 7.2. Documentation of Petitioner's successful completion of DWI Offender Supervision issued April 15, 2005.
- 7.3. Documentation of Petitioner's entrance to the Court Residential Treatment Center, El Paso, Texas, on September 23, 2003.
- 7.4. Letter of support, dated August 22, 2008, from Henry Gutierrez, states he met Petitioner in June 2004, at a local Alcoholics Anonymous meeting. They quickly became friends and Mr. Gutierrez has employed Petitioner on many occasions in the past four (4) years. Petitioner has always been honest, hardworking, and dependable in all the jobs he has done. Mr. Gutierrez has sponsored him in the past and knows Petitioner's story. He has fifteen months clean and sober and is a very effective problem solver. Mr. Gutierrez has every confidence in Petitioner's ability and desire to actively pursue his step work and continue on his journey.
- 7.5. Letter of support, dated September 13, 2008, from Rev. Jim Ferguson, PhD, El Paso, Texas, states he has known Petitioner for four (4) years, both as a good neighbor and as a medical professional. Dr. Ferguson knows Petitioner to be a man of good character and a highly competent, experienced nurse. Petitioner came to grips with substance abuse, especially as it related to his personal, family, and professional life. He took responsibility for his acts and worked hard to overcome his addiction. As a result of this most difficult and trying time, Petitioner is a better, stronger, and wiser man. He has truly seen the "light." Dr. Ferguson highly recommends Petitioner for any position requiring knowledge, skill, and responsibility in the nursing field.
- 7.6. Letter of support, dated August 12, 2008, from William Meshel, MD, El Paso, Texas, states he has known Petitioner for a period of ten (10) years. Dr. Meshel finds Petitioner to be a competent and resourceful nurse with a conscientious, self-motivated approach to patient care. Petitioner is a very caring and supportive father of two (2) daughters whom Dr. Meshel knows personally. In the years Dr. Meshel has known Petitioner, he has been nothing less than an honest, hardworking, and considerate man. It is for these qualities that Dr. Meshel wholeheartedly supports his petition for reinstatement.
- 7.7. Letter of support, dated September 12, 2008, from Victoria B. Stanton, MSN, RN, Clinical Educator, Del Sol Medical Center, El Paso, Texas, states she endorses Petitioner's application for reactivation of his license to practice professional nursing in the State of Texas. Ms. Stanton has known and worked with Petitioner for the past ten (10) years and feels that he is an asset to the profession and community at large. His dedication to patient care is beyond reproach. His attention to detail and concern for patient welfare makes him an asset to all whom

he comes in contact. Ms. Stanton looks forward to the opportunity to work with Petitioner in the clinical environment in the near future.

- 7.8. Letter of support, dated August 2008, from Yolanda Rodriguez, MSN, RN, Administrator, Friend & Neighbors Adult Day Care, El Paso, Texas, states Petitioner has worked for her in the past years at different hospitals and under her supervision as a Registered Nurse. During those years, Petitioner demonstrated being a very talented and skillful nurse. He demonstrated this in the manner in which he carried out his duties, and in the manner in which he approached the many extra-curricular departmental activities. Ms. Rodriguez has always found Petitioner to be very respectful, very energetic, and a hard worker who has demonstrated his willingness to insure that his job is completed in a most effective manner. Ms. Rodriguez strongly believes that this same style will be carried over in any new opportunities he vies for.
- 7.9. Letter of support, dated August 13, 2008, from Jerome Marshall, CST/CFA, LVN, El Paso, Texas, states he has known Petitioner for nearly three (3) years and is aware of the circumstances which have led to this letter in support of his licensure reinstatement. Mr. Marshall states Petitioner possesses many nursing skills and experience that could be returned to use. It is Mr. Marshall's belief that if one has the integrity to admit his shortcomings and accept the repercussions, he should be afforded the opportunity to be a productive part of society. Petitioner has been working odd jobs since his misfortune for the past five (5) years, while many area facilities are short of staff. Mr. Marshall prays that Petitioner is afforded that opportunity and not be punished for life.
- 7.10. Letter of support, dated August 15, 2008, from Ronald M. Stanton, LVN, El Paso, Texas, states he has known and worked with Petitioner over a period of ten (10) years. Mr. Stanton finds Petitioner to be an individual of high moral character and dedication to both family and profession. He has been a pleasure to work with in high stress environments and Mr. Stanton looks forward to the opportunity to work with him again in the future.
- 7.11. Letter of support from Samuel N. Nunez, LCSW, states he has known Petitioner for twelve (12) years, as he is Mr. Nunez' former step-son. Petitioner is a highly intelligent, responsible, and caring person. He has always been a good father and a hardworking individual. Petitioner has the unique capacity to establish professional rapport with others and cares about their medical needs. Mr. Nunez highly recommends that Petitioner be granted another opportunity to practice nursing again.
- 7.12. Letter of support from Robert Guerrero, LVN, states he has had the pleasure of knowing Petitioner for a little over two (2) years. At first, Petitioner was employed for some odd jobs around Mr. Guerrero's residence and was really

impressed by the quality of his work. Mr. Guerrero has nothing but good things to say about Petitioner's parenting skills and his work ethic and integrity. Mr. Guerrero has witnessed Petitioner's exceptional character. He would definitely be an asset to any organization that employs him. He has set high standards as a person, worker, and family man, that other should emulate.

7.13. Letter of support, dated August 29, 2008, from D.M. Whited TSgt, USAF (ret.), El Paso, Texas, states he has come to know Petitioner over the past several years as a man of excellent character. Petitioner has taken occasion to help Mr. Whited on some minor projects around his home. He has come to learn that when Petitioner says he will be at a certain place at a certain time, Mr. Whited can count on him.

7.14. Letter of support, dated August 29, 2008, from Maria C. Lopez, El Paso, Texas, states Petitioner is a man of excellent character. Since meeting him about July of 1992, Ms. Lopez has found him to be both honest and trustworthy. Ms. Lopez is certain that Petitioner would be an asset to any organization he worked for.

7.15. Documentation of sixty-two (62) Type I contact hours of continuing education.

8. Petitioner gives May 14, 2007, as her 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 JEFF A. WAGES, Registered Nurse License Number 626944, to practice professional nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING PROBATION

CONDITIONS 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 multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure 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 professional 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 professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to JEFF A. WAGES, shall be subject to the following agreed post-licensure probation conditions:

(6) 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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nursing.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

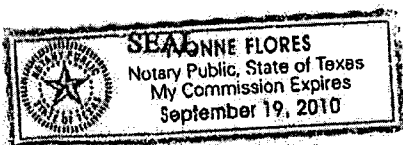
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with 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 license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 13 day of January, 2009.

Jeff A. Wages
JEFF A. WAGES, Petitioner

Sworn to and subscribed before me this 13 day of January, 2009.



Seannne Flores
Notary Public in and for the State of Texas

Approved as to form and substance

[Signature]
LOUIS LEICHTER, Attorney for Respondent

Signed this 14 day of Jan, 2009

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 13th day of January, 2009, by JEFF A. WAGES, Registered Nurse License Number 626944, and said Order is final.



Effective this 21st day of January, 2009.

Katherine A. Thomas

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

STATE OFFICE OF ADMINISTRATIVE HEARINGS

William P. Clements Building
300 West Fifteenth Street
Room 502
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 475-4994

DATE: December 15, 2003

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 2

SOAH DOCKET NO.: 507-04-0459

REGARDING: GRANTING MOTION TO DISMISS

FROM: JUDGE ANN LANDEROS

TO:	PHONE:
James W. Johnston /Patricia Vianes-Cabrera (BNE)	305-7401

xc: Docketing, State Office of Administrative Hearings

Jeff A. Wages, 4705 Gabriel Dr., El Paso, TX 79924 -VIA REGULAR MAIL

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DOCKET NO. 507-04-0459

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 626944
ISSUED TO
JEFF A. WAGES

§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS


GRANTING MOTION TO DISMISS

TO ALL PARTIES OF RECORD:

On the 25th day of November 2003, at the hearing on the merits in this case, Staff of the Board of Nurse Examiners for the State of Texas orally moved to dismiss because the parties had reached an agreement in the case and submitted a copy of the Agreed Order. Having considered the motion and the law applicable thereto, the Administrative Law Judge finds this cause should be dismissed from the docket.

IT IS ORDERED that this cause be and is **DISMISSED** from the docket of the State Office of Administrative Hearings.

SIGNED December 15, 2003.



ANN LANDEROS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 626944 § AGREED
issued to JEFF A. WAGES § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JEFF A. WAGES, hereinafter referred to as Respondent, License Number 626944, may have violated Section 301.452(b)(9), (10)&(12), Texas Occupations Code.

An informal conference was held on June 3, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Chris Schroeder, Investigator.

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, notice and hearing, and consented 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 El Paso Community College, El Paso, Texas, on December 1, 1995. Respondent was licensed to practice professional in the State of Texas on March 5, 1996.

5. Respondent's professional employment history includes:

March 1996 - February 2002

Staff Nurse
Del Sol Medical Center
El Paso, Texas

February 2002 - October 2002

Agency Nurse
Odyssey Home Health
El Paso, Texas

October 2002 - Present

Agency Nurse
Southwest Staffing
El Paso, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Del Sol Medical Center, El Paso, Texas, and had been in this position for five (5) years and nine (9) months.
7. On or about October 29, 2001, while employed at Del Sol Medical Center, El Paso, Texas, Respondent engaged in the intemperate use of Hydrocodone and Hydromorphone in that Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone and Hydromorphone. Possession of Hydrocodone and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone and Hydromorphone 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. On or about December 17, 2001, while employed at Del Sol Medical Center, El Paso, Texas, Respondent withdrew Oxycodone from the Acudose Medication Dispensing System for Patient I.R. which was in excess frequency of a physician's order, as follows:

Date/Time	Patient	Physician's Order	Narcotic Record (Acudose)	Medication Administration Record	Comments
12/17/01 @ 2046 hrs	I.R.	Oxycontin 10 mg 1-tab PO BID (Twice a day)	1-tab Oxycodone 40 mg	Oxycodone 40 mg given at 2030 hrs	Respondent transcribed Oxycodone 40 mg PO q 12 hr onto the MAR
12/17/01 @ 2202 hrs	I.R.	Oxycontin 10 mg 1-tab PO BID (Twice a day)	1-tab Oxycodone 10 mg	Oxycodone 10 mg given at 2230 and 0300	Respondent transcribed Oxycodone 10 mg PO q 4 hr onto the MAR

Respondent's conduct was likely to injure the patient in that the administration of Oxycodone in excess frequency of the physician's order could result in the patient suffering from adverse

reactions including bradycardia and respiratory depression, and constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(3).

9. On or about December 21, 2001, while employed at Del Sol Medical Center, El Paso, Texas, Respondent withdrew one (1) Oxycodone 40 mg Tablet from the Acudose Medication Dispensing System for Patient M.R. without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Oxycodone without a physician's order could result in the patient suffering from adverse reactions including bradycardia and respiratory depression.
10. On or about December 2001, while employed at Del Sol Medical Center, El Paso, Texas, Respondent misappropriated Oxycodone belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the patients and the facility of the cost of the medication.
11. On or about February 8, 2002, while employed at Del Sol Medical Center, El Paso, Texas, Respondent enlisted co-worker R.M. to withdraw a Duragesic Patch 25 mg for Patient I.V., but failed to administer the Duragesic Patch 25 mg to Patient I.V. Upon examination on February 9, 2002, the Duragesic Patch 25 mg was not found on Patient I.V. Respondent's conduct exposed the patient unnecessarily to a risk of experiencing breakthrough pain, increased heart rate, increased respiratory rate and/or elevated blood pressure.
12. On or about February 8, 2002, while employed at Del Sol Medical Center, El Paso, Texas, Respondent enlisted co-worker A.M. to withdraw a Duragesic Patch 25 mg and a Duragesic Patch 50 mg for Patient J.C., but failed document the administration of the Duragesic Patches in the patient's medical records. Upon examination on February 9, 2002, the Duragesic Patches were not found on Patient J.C. Respondent's conduct exposed the patient unnecessarily to a risk of experiencing breakthrough pain, increased heart rate, increased respiratory rate and/or elevated blood pressure.
13. On or about February 8, 2002, while employed at Del Sol Medical Center, El Paso, Texas, Respondent misappropriated Duragesic Patches belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the patients and the facility of the cost of the medication.
14. On July 22, 2003, and July 25, 2003, Respondent submitted to a forensic psychological evaluation conducted by Guido A. Barrientos, Ph.D., Licensed Psychologist. Dr. Barrientos concludes, "Mr. Wages reported having been arrested for aggravated assault, and having a history of using marijuana three times a month, cocaine once a month, and alcohol five times a week. He indicated that he last used illicit drugs two months ago, and last used alcohol on 7/21/2003. His MMPI-2 profile indicates impulse-control problems, a disregard for rules and social norms, and tendencies towards antisocial and acting-out behavior. He is experiencing problems with frustration and resentment, and appears dissatisfied with his life. He may make a good first impression due to his outgoing and confident style, but his dealings with

others are usually marked by manipulative behavior on his part. He usually feels guilty and remorseful after engaging in antisocial behavior, but his remorse is short-lived, and does not lead to long term behavior change. Prognosis is poor, as he is likely to terminate therapy once there is no longer external pressure on him. In terms of substance abuse, he openly acknowledges having a current problem with alcohol and/or illicit drugs. His MMPI-2 profile suggests he is likely to abuse substances as a means of self-medicating for both psychiatric problems and perceived physical dysfunction. In summary, based on the information available to me, I do not believe Mr. Wages will be able to consistently behave in a professional manner at this time, and I do not believe that he will be able to consistently avoid unprofessional conduct at this time. I would recommend that he enroll in and complete an intensive outpatient program of alcohol and drug counseling, and that he be re-evaluated upon completing said program."

15. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice professional nursing in the State of Texas.
16. 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.
17. 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 of Section 301.452(b)(9), (10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3)&(19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 626944, heretofore issued to JEFF A. WAGES, including revocation of Respondent's professional license 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 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 626944, heretofore issued to JEFF A. WAGES to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to JEFF A. WAGES, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered 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 license is surrendered.
3. 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.
4. 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 multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

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, 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 24th day of November, 2003.

Jeff A. Wages
JEFF A. WAGES, Respondent

Sworn to and subscribed before me this 24 day of November, 2003

SEAL

Rita Anchondo

Notary Public in and for the State of Texas

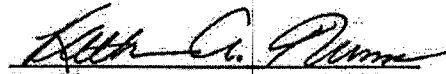
ATTN



Chris Schroeder

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 626944, previously issued to JEFF A. WAGES.

Effective this 25th day of November 20 03.



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