



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Registered Nurse License Number 709644 §
issued to MICHAEL ALLEN AFFLERBACH §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, ~~accepted the voluntary surrender of Registered Nurse License Number 709644, issued to MICHAEL ALLEN AFFLERBACH, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.~~

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree from Tarrant County Junior College, Fort Worth, Texas, on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on September 7, 2004.
4. Respondent's nursing employment history includes:
5. On or about July 8, 2010, Respondent was issued an Agreed Order by the Texas Board of Nursing that required him to complete the Texas Peer Assistance Program for Nurses. Respondent successfully completed the terms of this order on September 10, 2012. A copy of the Finding of Fact, Conclusions of Law and Order dated July 8, 2010, is attached and incorporated herein by reference as part of this Order.

6. On or about November 21, 2014, Respondent was issued an Agreed Order by the Texas Board of Nursing that required him to complete the Texas Peer Assistance Program for Nurses. Respondent has not successfully completed the terms of this orders. A copy of the Finding of Fact, Conclusions of Law and Order dated November 21, 2014, is attached and incorporated herein by reference as part of this Order.
7. On or about August 26, 2015, Respondent became non compliant with the agreed order issued to him on November 21, 2014. Non-compliance is the result of Respondent submitting to a urine drug screen which produced a positive result for Alcohol, specifically ETG (30,800 ng/mL) and ETS (3830 ng/mL), both metabolites of alcohol, on August 24, 2015. Additionally, Respondent admitted to his case manager he had relapsed. Stipulation I(D) of the order dated November 21, 2014, states in pertinent part:

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

On or about August 26, 2015, Respondent's case with TPAPN was closed, and he was referred back to the Board.

8. On or about October 6, 2015, Respondent entered a plea of Nolo Contendere and was convicted of POSSESSION OF A DANGEROUS DRUG (a Class A Misdemeanor offense committed on August 13, 2013) in The County Court at Law Hood County, Texas, Under Cause No. 47791. As a result of the plea, Respondent was placed on Community Supervision for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine, court costs, and restitution.
9. Formal Charges were filed and Respondent's license to practice nursing in the State of Texas was temporarily suspended on October 5, 2015.
10. Formal Charges were mailed to October 5, 2015.
11. On November 13, 2015, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 13, 2015, is attached and incorporated herein by reference as part of this Order.
12. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(3),(9),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 709644, heretofore issued to MICHAEL ALLEN AFFLERBACH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 709644, heretofore issued to MICHAEL ALLEN AFFLERBACH, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of "registered nurse" or 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/s is/are surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 13th day of November, 2015.

TEXAS BOARD OF NURSING

By:



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

11/13/2015

Dear Kristin Worley,

I, Michael Allen Afflerbach, am surrendering my RN license # 709644. Also for your records, I am sending a copy of my certified mail receipt from October 13th, 2015 to verify that I have sent my surrender a month ago certified mail. Even though it was legally signed by the B.O.N., you informed me that you have not received it to this day. So to sum things up, this is my second surrender attempt to the B.O.N. For my RN license 709644.

Sincerely,

Mike Afflerbach

11/13/15 @ 1:15 PM



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 709644
issued to MICHAEL ALLEN AFFLERBACH

§ AGREED
§
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL ALLEN AFFLERBACH, Registered Nurse License Number 709644, 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)(9),(10)&(12), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 22, 2014.

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 waived notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Tarrant College JR, Fort Worth, Texas on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on September 7, 2004.
5. Respondent's professional nursing employment history is unknown.

6. On July 8, 2010 Respondent was issued a TPAPN Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 8, 2010 is attached and incorporated, by reference, as part of this Order. On or about September 10, 2012, Respondent successfully completed TPAPN and the requirements of this Order.
7. On or about August 11, 2014, Respondent submitted a Timely License Renewal Form to the Texas Board of Nursing, in which he disclosed he misappropriated Norco and other pills (Baclofen, Phenergan, and Clonidine) from his previous place of employment - Harbor Lakes Nursing and Rehab, in Grandbury, Texas in July 2013. Respondent states his substance use caused severe stress and arguing in his marriage which led to a physical altercation resulting in his arrest. Respondent checked himself into Springwood Hospital for depression and polysubstance abuse, where he was inpatient for seven (7) days, followed by three (3) weeks of PHP, followed by five (5) weeks of IOP. Respondent then self-reported to TPAPN in November 2013 and signed his entrance agreement in March 2014.
8. 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.
9. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
11. 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 substance use disorder.
12. 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 301.451-301.555, 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(5),(6)(G),(8), & (10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10) & (12), Texas

Occupations Code, to take disciplinary action against Registered Nurse License Number 709644, heretofore issued to MICHAEL ALLEN AFFLERBACH, including revocation of Respondent's license(s) 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 709644, previously issued to MICHAEL ALLEN AFFLERBACH, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. **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.
- D. **RESPONDENT SHALL** comply with all requirements of the TPAPN participation agreement during its term and **SHALL** keep all applicable license(s) to practice nursing in the State of Texas current.
- E. **RESPONDENT SHALL CAUSE** the TPAPN to notify the Texas Board of

Nursing of any violation of the TPAPN participation agreement.

- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the suspension being stayed:

A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-

approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board..

V. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

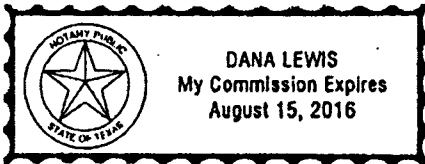
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further 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 Texas Board of Nursing, 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 12th day of November, 2014.

Michael Allen Afflerbach
MICHAEL ALLEN AFFLERBACH, Respondent

Sworn to and subscribed before me this 12th day of November, 2014.

SEAL



Dana Lewis
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 12th day of November, 2014, by MICHAEL ALLEN AFFLERBACH, Registered Nurse License Number 709644, and said Order is final.

Effective this 21st day of November, 2014.



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 709644 §
issued to MICHAEL ALLEN AFFLERBACH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B
considered the matter of MICHAEL ALLEN AFFLERBACH, Registered Nurse License Number
709644, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived
representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this
Order offered on June 11, 2010, 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(s).
2. Respondent waived representation by counsel, 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 an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on September 7, 2004.
5. Respondent's complete professional nursing employment history includes:

09/04-03/08	RN	Harris Methodist Northwest Azle, Texas
03/08-07/08	Unknown	

Respondent's professional nursing history continued:

07/08-04/09 RN Lakeworth Nursing Home
Fort Worth, Texas

04/09-Present Unknown

6. At the time of the incident in Finding of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Registered Nurse with Harris Methodist Northwest, Azle, Texas, and had been in this position for approximately three (3) years and six (6) months.
7. On or about March 10, 2008, while employed as a Registered Nurse with Harris Methodist Northwest, Azle, Texas, Respondent withdrew Vicodin from the Medication Dispensing System for patients in excess frequency/dosage of the physicians' order. Respondent's conduct was likely to injure the patient in that the administration of Vicodin in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
8. On or about March 10, 2008, while employed as a Registered Nurse with Harris Methodist Northwest, Azle, Texas, Respondent withdrew Vicodin from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.
9. On or about March 10, 2008, while employed as a Registered Nurse with Harris Methodist Northwest, Azle, Texas, Respondent withdrew Vicodin from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about March 10, 2008, while employed as a Registered Nurse with Harris Methodist Northwest, Azle, Texas, Respondent misappropriated Vicodin from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. At the time of the incident in Findings of Fact Numbers Twelve (12) through Fourteen (14), Respondent was employed as a Registered Nurse with Lake Worth Nursing Home, Fort Worth, Texas, and had been in this position for approximately seven (7) months.

12. On or about February 5, 2009, while employed as a Registered Nurse with Lake Worth Nursing Home, Fort Worth, Texas, Respondent lacked fitness to practice nursing in that he admitted to a relapse on alcohol and Baclofen. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
13. On or about February 5, 2009, while employed as a Registered Nurse with Lake Worth Nursing Home, Fort Worth, Texas, Respondent engaged in the intemperate use of alcohol in that he admitted to a relapse. The use of alcohol 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.
14. On or about February 5, 2009, while employed as a Registered Nurse with Lake Worth Nursing Home, Fort Worth, Texas, Respondent engaged in the intemperate use of Baclofen in that he admitted to a relapse on Baclofen. Possession of Baclofen is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act). The use of Baclofen 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.
15. On or about February 5, 2009, while employed as a Registered Nurse with Lake Worth Nursing Home, Fort Worth, Texas, Respondent misappropriated Baclofen from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medication.

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16. In Response to Findings of Fact Numbers Seven (7) through Ten (10) and Twelve (12) through Fourteen (14), Respondent states that the accusations of his conduct are true. Respondent reports that he took a couple of his wife's Vicodin from home around November of 2007, which was around the same time he started taking Vicodin from the Harris Methodist Northwest Hospital and Harris Methodist Fort Worth. Upon his termination, Respondent states he admitted himself to one month of inpatient rehabilitation at Grapevine Valley Hope and Texas Peer Assistance Program for Nurses (TPAPN). Respondent reports that he stayed sober for a little over three months, and subsequently relapsed by drinking alcohol and taking Sudafed. Additionally, Respondent states sometime around October 2008, he misappropriated a couple of Baclofen from Lake Worth Nursing Home and started having to ingest more to get the same result. Respondent reports that he finished six weeks of intensive outpatient therapy and is currently working with his fellowship at his church for support as well as attending couples and individual therapy.
17. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
18. 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.
19. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) and Twelve (12) through Fifteen (15), resulted from Respondent's dependency on chemicals.
20. 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 Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A)&(D) and §217.12(1)(A),(B)&(C),(4),(5),(6)(A),(G)&(H),(10)(A)&(B) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 709644, heretofore issued to MICHAEL ALLEN AFFLERBACH, including revocation of Respondent's license(s) 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 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 (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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.

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 is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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 further 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 Texas Board of Nursing, 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 nursing in the State of Texas, as a consequence of my noncompliance.

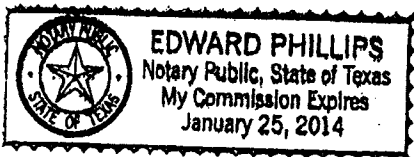
Signed this 6th day of July, ~~2009~~ ^{error - mkt} 2010

Mike Allen Afflerbach
MICHAEL ALLEN AFFLERBACH, Respondent

Sworn to and subscribed before me this 6 day of July, 2010.

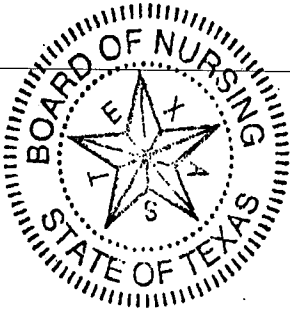
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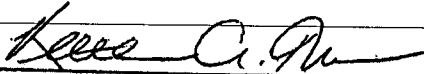
Edward Phillips
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 6th day of July, 2010, by MICHAEL ALLEN AFFLERBACH, Registered Nurse License Number 709644, and said Order is final.

Entered and effective this 8th day of July, 2010.




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