



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

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In the Matter of § AGREED  
Registered Nurse License Number 875965 §  
issued to MATTHEW WILLIAM SMITH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MATTHEW WILLIAM SMITH, Registered Nurse License Number 875965, 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), 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 November 4, 2015.

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 a Baccalaureate Degree in Nursing from Denver School of Nursing, Denver, Colorado, on December 19, 2014. Respondent was licensed to practice professional nursing in the State of Texas on April 13, 2015.
5. Respondent's nursing employment history includes:

Unknown - 10/15	RN	Baylor Scott and White Memorial Hospital Temple, Texas
11/15 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Scott and White Memorial Hospital, Temple, Texas.

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7. On or about October 4, 2015, while employed as a Registered Nurse with Baylor Scott and White Hospital, Temple, Texas, Respondent diverted Morphine and Hydromorphone belonging to the facility or patients thereof, in that he admitted to said diversion for his personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about October 4, 2015, while employed as a Registered Nurse with Baylor Scott and White Hospital, Temple, Texas, Respondent engaged in the intemperate use of Morphine and Hydromorphone in that he submitted a specimen for a cause drug screen which resulted positive for Morphine and Hydromorphone. Unlawful possession of Morphine and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine 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.
9. Respondent admits to the conduct outlined in Findings of Fact Numbers Seven (7) and Eight (8).
10. Respondent's last known date of sobriety is unknown.
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 chemical dependency.
12. 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.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.

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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 substance use disorder.
15. 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), (10)(D), (10)(E) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 875965, heretofore issued to MATTHEW WILLIAM SMITH, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 875965, previously issued to MATTHEW WILLIAM SMITH, 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), waives confidentiality, and **provides a copy of the fully executed TPAPN participation agreement to the Texas Board of Nursing;**

OR

- B. Applies to, is accepted into, and completes enrollment in the Colorado Nursing Peer Health Assistance Program as an alternative to TPAPN, waives confidentiality and provides a copy of the fully executed Colorado Nursing Peer Health Assistance Program participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of successful completion of one of the above specified requirements (either the requirements of paragraph A or B), 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 or Colorado Nursing Peer Health Assistance Program, as applicable, **AND** until Respondent fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL comply with all requirements of the applicable participation agreement during its term.
- D. RESPONDENT SHALL keep all applicable license(s) to practice nursing in current status.
- E. RESPONDENT SHALL CAUSE the applicable program to notify the Texas Board of Nursing of any violation of the participation agreement.

## II. COMPLIANCE WITH LAW AND APPLICABILITY.

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.

- 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.
- This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- 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.

### 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](http://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 or the Colorado Nursing Peer Health Assistance Program, 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.

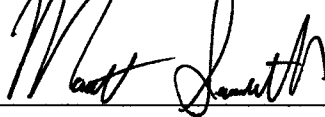
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RESPONDENT'S CERTIFICATION

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 or the Colorado Nursing Peer Health Assistance Program, as applicable. 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.

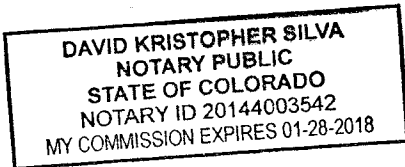
Signed this 30<sup>th</sup> day of November, 2015.




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MATTHEW WILLIAM SMITH, Respondent

Sworn to and subscribed before me this 30<sup>th</sup> day of November, 2015.


SEAL



  
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Notary Public in and for the State of Colorado  
County of Jefferson

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 30th day of November, 20 15, by MATTHEW WILLIAM SMITH, Registered Nurse License Number 875965, and said Order is final.

Effective this 14th day of December, 20 15.



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