



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 P. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 670126
Issued to BENJAMIN ALVA BELCHER,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

**TO: BENJAMIN ALVA BELCHER
2353 N FIELD STREET, #732
DALLAS, TX 75201**

A public meeting of the Texas Board of Nursing was held on August 15, 2016 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension Permanent Registered Nurse License Number 670126, issued to BENJAMIN ALVA BELCHER was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of BENJAMIN ALVA BELCHER and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about July 6, 2016, while employed with Kindred Hospital, Dallas, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to him on July 17, 2014, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Nineteen (19) of the Reinstatement Agreed Order which states, in pertinent part:

(19) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose....

On or about July 6, 2016, Respondent tested positive for amphetamine/methamphetamine.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by BENJAMIN ALVA BELCHER constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 670126, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 670126, issued to BENJAMIN ALVA BELCHER, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 15th day of August, 2016.

TEXAS BOARD OF NURSING

BY: *Kristin Benton MN, RN on behalf of*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 670126	§	
Issued to BENJAMIN ALVA BELCHER,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BENJAMIN ALVA BELCHER, is a Registered Nurse holding License Number 670126, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 6, 2016, while employed with Kindred Hospital, Dallas, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to him on July 17, 2014, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Nineteen (19) of the Reinstatement Agreed Order which states, in pertinent part:

(19) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose....

On or about July 6, 2016, Respondent tested positive for amphetamine/methamphetamine.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted related to Substance Use Disorders and Other Alcohol and Drug Related Conduct which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

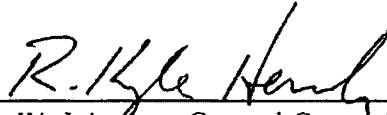
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK
CONTINUED ON THE NEXT PAGE

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated November 15, 2004, Agreed Order dated July 5, 2005, and Reinstatement Agreed Order dated July 17, 2014.

Filed this 15th day of August, 2016.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

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

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

Jessica Lance, Assistant General Counsel
State Bar No. 24091434

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

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated November 15, 2004.
Agreed Order dated July 5, 2005.
Reinstatement Agreed Order dated July 17, 2014.

D(2015.11.18)

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of § REINSTATEMENT
 Registered Nurse License Number 670126 §
 issued to BENJAMIN ALVA BELCHER § AGREED ORDER

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 Williams
 Executive Director of the Board

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 670126, he BENJAMIN ALVA BELCHER, hereinafter referred to as Petitioner.

An informal conference was held on May 27, 2014, 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 Nancy Roper Willson, RN, Attorney at Law. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; John Vanderford, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Christina Stelly, MSN, RN, Consultant for Practice; Kimberly Chavez, 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(s).
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from the University of Texas, Austin, Texas, on May 1, 2000. Petitioner was licensed as a professional nurse in the State of Texas on July 11, 2000.
4. Petitioner's nursing employment history includes:

6/00 - 601	GN/Staff Nurse	Baylor University Medical Center Dallas, texas
6/00 - 11/02	GN/Staff Nurse	Kindred Hospital of Dallas Dallas, Texas
12/02 - 11/02	Staff Nurse	LifeCare Hospitals of Dallas Dallas, Texas

Petitioner's nursing employment history continued:

12/04 - present Not employed in nursing

5. On November 15, 2004, Petitioner was issued an Order which required him to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the November 15, 2004, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On July 5, 2005, the Board accepted the voluntary surrender of Petitioner's license(s) to practice professional nursing in the State of Texas. A copy of the July 5, 2005, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about March 4, 2014, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
8. Petitioner presented the following in support of his petition:
 - 8.1. Letter, dated June 15, 2010, from Grace Ann Flannery, MA, CAC, Rehab After Work & Rehab After School, stating Petitioner was evaluated on January 11, 2010. He met the criteria and was placed in the Intensive outpatient program where he was given a diagnosis of alcohol dependence. He attended four (4) times weekly. Petitioner has remained in total compliance since entering treatment and is now attending once weekly to help ensure his continued sobriety.
 - 8.2. Letter of support, dated January 25, 2014, from Charlene Cavello, East Norriton, PA, stating she has known Petitioner for the last ten (10) years. During that time, Ms. Cavello served as Petitioner's supervisor for two (2) skilled nursing facilities in Pennsylvania. Petitioner's clinical skills and marketing abilities have been nothing short of outstanding. He was dependable, conscientious and a loyal employee. Petitioner developed relationships with area hospitals, social workers and case managers. These relationships helped build census and revenue. Petitioner was a key part of the facility's success. Petitioner was excellent with the patients/residents as well. He would go out of his way to accommodate their needs. Petitioner would be an asset to any company.
 - 8.3. Letter of support, dated January 26, 2014, from Kathy B., Keller, Texas, stating she has remained clean and sober, in large part, due to Petitioner. Over the past year, Ms. B. has seen Petitioner gain more and more confidence and determination in his sobriety. Ms. B. believes Petitioner is truly 100% committed to living a clean and sober life.
 - 8.4. Letter of support from Cherry DaMommio, Manager, Dunkin Donuts, Southlake, Texas, stating Petitioner is an amazing employee. Over the past year, Petitioner has become someone Ms. DaMommio can depend on. In the past year, Ms. DaMommio cannot recall one (1) time that Petitioner has not shown up for his shift or has called in. He is punctual and most of the time he shows up early for work which is between 5 and 6 am every morning. Ms. DaMommio has not witnessed any behavior that would lead her to believe that he is under the influence of any drugs or alcohol.

- 8.5. Letter of support, dated January 29, 2014, from Venus Belcher, Keller, Texas, stating she is writing on behalf of her brother-in-law. In the twelve (12) years that she has known Petitioner, he has always been a good person. Over the past year Petitioner has shown absolute determination toward maintaining a sober life. He shows so much more concern towards others and also seems to care about himself more.
- 8.6. Fifteen (15) negative drug screens, collected randomly through RecoveryTrek, dated January 24, 2013, through March 7, 2014.
- 8.7. Documentation of support group meetings dating from November 2012 through May 2014.
- 8.8. Documentation of the minimum requirement of Continuing Education contact hours.
9. Petitioner gives November 25, 2012, as his date of sobriety.
10. Petitioner has not practiced nursing in any jurisdiction for a period of approximately ten (10) years.
11. Petitioner's lack of continuity in nursing practice may affect his ability to provide safe and effective nursing care and to comply with the Nursing Practice Act (NPA) and Board Rules. Therefore, during the Petitioner's transitional period back into nursing practice, the Board finds that the Petitioner must seek and receive appropriate orientation, guidance, supervision, consultation and collaboration from licensed nurses who possess current skills and knowledge in a particular practice environment.

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 BENJAMIN ALVA BELCHER, Registered Nurse License Number 670126, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE

FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in this Order:

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

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

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

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

(2) PETITIONER SHALL successfully complete a nursing refresher course. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role of the 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 routes of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course shall include a

minimum of the clinical components, providing direct patient care supervised by another registered nurse, as stated on the Board's website, <http://www.bon.state.tx.us/olv/pdfs/6mth-rn.pdf>. Upon receipt of verification that PETITIONER has enrolled in a nursing refresher course, the PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. PETITIONER SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course.

(3) Upon successful 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 by submitting the Board's Refresher Course/Extensive Orientation/Academic Nursing Course(s) Verification of Successful Completion form, which is also available from the Board's website at <http://www.bon.texas.gov/olv/pdfs/6mth-rn.pdf>.

(4) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued the applicable license(s) to practice nursing in the State of Texas, which shall be subject to the following agreed post-licensure probation conditions:

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

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall

include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(7) PETITIONER SHALL, within one (1) year of relicensure, 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, PETITIONER 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>.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF

UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(8) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

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

(10) Prior to providing nursing care, PETITIONER SHALL first obtain approval from the Board for a Nursing Re-Entry Support Plan with one or more Board designated Nurse Re-Entry Guides. To be approved, PETITIONER SHALL submit to the Board: (A) Full names and credentials of three (3) nurses who have agreed to serve as Nurse Re-Entry Guides to monitor Petitioner's practice; and (B) A proposed Nursing Re-Entry Support Plan, which is acceptable to each of the potential Nurse Re-Entry Guides. Potential Nurse Re-Entry Guides must be Registered Nurses who have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER seeks to practice. For each potential Nurse Re-Entry Guide, submitted credentials must include license numbers, qualifications,

educational history and nursing experience, and each potential Nurse Re-Entry Guide must accept responsibility for providing orientation, guidance, supervision, and consultation and collaboration, as necessary and appropriate, to ensure Petitioner's safe practice. The proposed Nursing Re-Entry Support Plan shall, at a minimum, include the Petitioner's job description, a description of the Petitioner's nursing unit, and a description of how Petitioner's nursing practice will be supervised, monitored and evaluated for safety. The Board shall review and evaluate the potential Nurse Re-Entry Guides and the Nursing Re-Entry Support Plan, and if approved, shall designate one (1) primary Nurse Re-Entry Guide and up to two (2) alternate Nurse Re-Entry Guides, if needed, to implement the Nursing Re-Entry Support Plan.

(11) For the first six (6) months of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by an approved Nurse Re-Entry Guide. Direct supervision requires the Nurse Re-Entry Guide to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) For the remainder of the stipulation period, PETITIONER SHALL be supervised by an approved Nurse Re-Entry Guide who is on the premises. The Nurse Re-Entry Guide is not required to be on the same unit or ward as PETITIONER, but must be on the facility grounds and readily available to provide assistance and intervention if necessary. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

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

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

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

(16) While under the terms of this Order, PETITIONER'S practice will be monitored by an approved Nurse Re-Entry Guide. Monitoring shall commence no later than thirty (30) days following the date of PETITIONER'S receipt of the Board's approval of the Nurse Re-Entry Guide(s) and Nursing Re-Entry Support Plan. PETITIONER SHALL meet with the Nurse Re-Entry Guide(s), as follows:

For the first six (6) months under the terms of this order, meetings shall be at least twice a month; and,

For the remainder of the stipulation period, meetings shall be at least once a month.

All meetings must be, at a minimum, one (1) hour in duration, and meetings may more frequent and/or of longer duration as determined necessary by the Nurse Re-Entry Guide(s).

(17) PETITIONER SHALL ensure that the approved Nurse Re-Entry Guide and/or employer immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.

(18) PETITIONER SHALL ensure that the approved Nurse Re-Entry Guide submits reports addressing Petitioner's capability to practice nursing. These reports shall be completed by the Nurse Re-Entry Guide who supervises the PETITIONER and shall be submitted to the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(19) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

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

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines
Barbiturates
Benzodiazepines

Meperidine
Methadone
Methaqualone

Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

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

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

Any positive result for which the nurse does not have a valid prescription or 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 PETITIONER'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.

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

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

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON THE NEXT PAGE.

PETITIONER'S CERTIFICATION

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

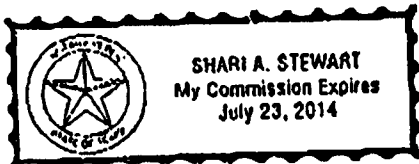
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms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

Signed this 17th day of June, 2014.

Benjamin Alva Belcher
BENJAMIN ALVA BELCHER, Petitioner

Sworn to and subscribed before me this 17th day of June, 2014.

SEAL



Shari A. Stewart
Notary Public in and for the State of Texas

ms
Approved as to form and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Petitioner

Signed this 17th day of June, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of June, 2014, by BENJAMIN ALVA BELCHER, Registered Nurse License Number 670126, and said Order is final.

Effective this 17th day of July, 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.
Stephanie Chapman
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse §
License Number 670126 § AGREED
issued to BENJAMIN ALVA BELCHER § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 670126, issued to BENJAMIN ALVA BELCHER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 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 Baccalaureate Degree in Nursing from The University of Texas at Austin, Austin, Texas, on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 2000.

5. Respondent's professional employment history includes:

6/00 - 11/02	GN/Staff Nurse	Kindred Hospital of Dallas Dallas, Texas
12/02 - 11/04	Staff Nurse	LifeCare Hospitals of Dallas Dallas, Texas
12/04 - present	Unknown	

6. On November 15, 2004, Respondent was issued an Agreed Order which required him to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the November 15, 2004, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. During November 2004, while employed with LifeCare Hospitals of Dallas, Dallas, Texas, Respondent misappropriated a patient's Duragesic (Fentanyl) patch. Respondent's conduct defrauded the facility and patient of the cost of the medication.
8. During November 2004, while employed with the aforementioned facility, Respondent failed to comply with the Agreed Order issued to him on November 15, 2004, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to comply with the terms of the participation agreement with the Texas Peer Assistance Program for Nurses (TPAPN).
9. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice professional nursing in the State of Texas.
10. 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.
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.

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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 670125, heretofore issued to BENJAMIN ALVA BELCHER, 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, as amended, 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 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 670126, heretofore issued to BENJAMIN ALVA BELCHER, 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 BENJAMIN ALVA BELCHER, 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 privilege, if any, to practice professional nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

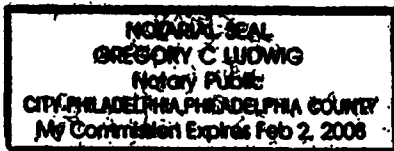
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 29th day of June, 2005.

Benjamin Alva Belcher
BENJAMIN ALVA BELCHER, Respondent

Sworn to and subscribed before me this 29th day of June, 2005.

SEAL



Gregory Ludwig
Notary Public in and for the State of PA

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 670126, previously issued to BENJAMIN ALVA BELCHER.

Effective this 7th day of July, 2005.



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



DB

Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

BENJAMIN ALVA BELCHER
721 Primrose
Rockwall, Texas 75087
Texas RN License #670126

February 14, 2005

Dear Board of Nurse Examiners:

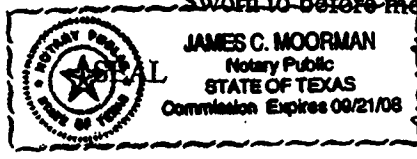
I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature *Ben Belcher*
Date 3/11/05
Texas RN License Number 670126

The State of Texas

Before me, the undersigned authority, on this date personally appeared BENJAMIN ALVA BELCHER who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 11th day of March, 2005.



James C. Moorman
Notary Public in and for the State of Texas

Members of the Board

- | | | | | |
|---------------------------------|---------------------------------------|--|--|---|
| Joyce Adams, PhD, RN
Houston | Deborah Bell, CLU, ChFC
Ablene | George Buchanan, Jr., BSN, RN, MBA
Amarillo | Virginia Campbell, BSN, RN, CNOR
Mesquite | Blanca Ross Garcia, PhD, RN
Corpus Christi |
| Richard Gibbs, LVN
Mesquite | Rachel Gomez, LVN
Hartlingen | Brenda Jackson, PhD, RN
San Antonio | Beverly Jean Nutall, LVN
Bryan | |
| Anita Palmer, ME, MA
Olney | Phyllis Rawley, CFC
Vice-President | Linda Roenda, PhD, FNP, RN
President | Frank Sandoval, Jr., J.D.
San Antonio | |

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 670126 § AGREED
issued to BENJAMIN ALVA BELCHER § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BENJAMIN ALVA BELCHER, Registered Nurse License Number 670126, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Austin, Austin, Texas, on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 2000.
5. Respondent's professional employment history includes:

6/00 - 11/02

GN/Staff Nurse

Kindred Hospital of Dallas
Dallas, Texas

Respondent's employment history continued:

12/02 - present Staff Nurse LifeCare Hospitals of Dallas
Dallas, Texas

6. On or about October 2002, while employed with Kindred Hospital of Dallas, Dallas, Texas, Respondent misappropriated Morphine from the facility and the patient's thereof for personal use. Respondent's conduct defrauded the facility and the patients' thereof of the cost of the medications.
7. On or about February 21, 2003, while employed with LifeCare Hospitals of Dallas, Dallas, Texas, Respondent engaged in the intemperate use of Cocaine in that he produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about May 13, 2003, while employed with LifeCare Hospitals of Dallas, Dallas, Texas, Respondent engaged in the intemperate use of Cocaine in that he produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substance Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. The Respondent's conduct described in the preceding Findings of Fact were reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) and (19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 670126, heretofore issued to BENJAMIN ALVA BELCHER, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

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

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

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

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

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

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

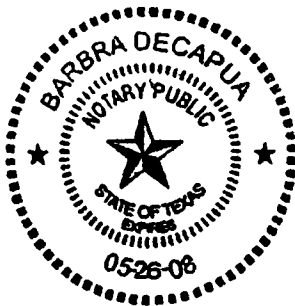
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Board of Nurse Examiners, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5 day of 11, 2004
Benjamin Belcher RN
BENJAMIN ALVA BELCHER, Respondent

Sworn to and subscribed before me this 5 day of 11, 2004

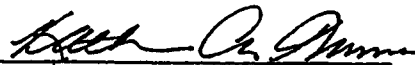
SEAL

Barbra Decapua
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 5th day of November, 2004, by BENJAMIN ALVA BELCHER, License Number 670126, and said Order is final.

Entered and effective this 15th day of November, 2004.



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