



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Advanced Practice Registered § AGREED
Nurse License Number AP109225 §
& Registered Nurse License Number 605979 §
issued to WARREN DOUGLAS BARTLEY JR § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of WARREN DOUGLAS BARTLEY JR, Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice 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 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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas, on May 30, 1994, and received a Masters Degree from the University of Texas Medical Branch, Galveston, Texas, on December 11, 1998. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 1994, and was licensed to practice advanced practice registered nursing in the role of Family Nurse Practitioner in the State of Texas on February 19, 1999.

5. Respondent's nursing employment history is unknown.
6. On or about January 8, 2015, Respondent was issued an Order requiring him to complete the Texas Peer Assistance Program for Nurses (TPAPN) by the Texas Board of Nursing. Respondent has not successfully completed the terms of the order. A copy of the Findings of Fact, Conclusions of Law and Order dated January 8, 2015, is attached and incorporated herein by reference as part of this Order.
7. On or about December 11, 2014, Respondent entered a plea of Guilty to two (2) counts of CRIMINAL NONSUPPORT, State Jail Felonies committed on March 1, 2014, in the 441st Judicial District Court of Midland County, Texas, under Cause No. CR43344. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and he was placed on community supervision for a period of five (5) years, and ordered to pay restitution in the amount of thirty-six thousand nine hundred ten dollars and twenty-eight cents (\$36,910.28).
8. On or about July 28, 2015, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on January 8, 2015. Non-compliance is the result of your failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation Number One (1), Section D of the Order dated January 8, 2015, states in part:

"D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

Respondent returned to work as an Advanced Practice Nurse without approval or a Work Agreement. As a result, on August 4, 2015, Respondent's case with TPAPN was closed and referred to the Board.
9. Formal Charges were filed on May 7, 2015.
10. Formal Charges were mailed to the Respondent on May 12, 2015.
11. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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(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 Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, heretofore issued to WARREN DOUGLAS BARTLEY JR, 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, 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.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, heretofore issued to WARREN DOUGLAS BARTLEY JR, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice advanced practice registered nursing, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying himself as an advanced practice registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT practice professional/registered 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.

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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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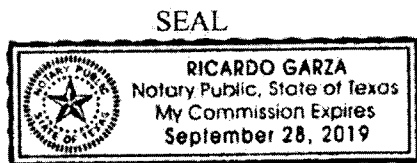
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 13 day of April, 2016.

Warren Douglas Bartley Jr
WARREN DOUGLAS BARTLEY JR, Respondent

Sworn to and subscribed before me this 14 day of April, 2016.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Oscar San Miguel
Oscar San Miguel, Attorney for Respondent

Signed this 14th day of April, 2016.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, previously issued to WARREN DOUGLAS BARTLEY JR.

Effective this 15th day of April, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Advanced Practice Registered Nurse License Number AP109225 & Registered Nurse License Number 605979 issued to WARREN DOUGLAS BARTLEY JR § CONFIDENTIAL
 § AGREED ORDER
 § FOR
 § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of WARREN DOUGLAS BARTLEY JR, Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, 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 September 9, 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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas on May 30, 1994, and received a Masters Degree from the University of Texas Medical Branch, Galveston, Texas on December 11, 1998. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 1994, and was licensed to practice advanced practice registered nursing in the role of Family

Nurse Practitioner in the State of Texas on February 19, 1999.

5. Respondent's professional nursing employment history is unknown.
6. On or about January 17, 2007, through June 8, 2007, Respondent lacked fitness to practice professional nursing in that he was admitted to Harris Methodist Springwood Hospital, Bedford, Texas, multiple times, for substance abuse and psychiatric treatment. Subsequently, Respondent was diagnosed with Opiate Dependence and multiple Mental Health Diagnoses. 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.
7. On or about July 13, 2009, Respondent engaged in the intemperate use of Hydrocodone in that he submitted a specimen for a drug screen that resulted positive for Hydrocodone. Possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone 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 July 31, 2009, Respondent engaged in the intemperate use of Hydrocodone in that he submitted a specimen for a drug screen that resulted positive for Hydrocodone. Possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone 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. On or about August 11, 2009, Respondent engaged in the intemperate use of Hydrocodone in that he submitted a specimen for a drug screen that resulted positive for Hydrocodone. Possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. On or about August 16, 2011, Respondent engaged in the intemperate use of Tramadol in that he submitted a specimen for a drug screen, requested by the Texas Peer Assistance Program for Nurses, that resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The use of Tramadol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. In response to Findings of Fact Numbers Six (6) through Ten (10), Respondent states:
"During this time I was going through a divorce in my marriage of thirteen years. During the time of separation I took things very hard and had a difficult time adjusting to changes in my life. The admissions to the hospital were voluntary to help work on my coping mechanism. As to the diagnosis of Opiate Dependence, I was diagnosed with a brain mass in 2002. My doctor as well as Neurologist had me on pain medication and preventive medication to help with pain. As a part of my divorce decree, I was subject to random drug screening in order to have visitation with my children. I had a valid prescription for Hydrocodone from my treating physician."
12. Formal Charges were filed on January 7, 2014
13. Formal Charges were mailed to Respondent on January 8, 2014.
14. 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.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder and/or mental illness.
16. 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.
17. 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(1)(A),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, heretofore issued to WARREN DOUGLAS BARTLEY JR, 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 that RESPONDENT 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)**:

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. 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;
- 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; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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 entry of this Order:

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. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this

Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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.

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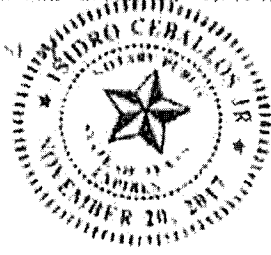
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. 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 licensure to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of January, 2015

WARREN DOUGLAS HARTLEY JR., Respondent

Sworn to and subscribed before me this 11 day of January, 2015



Notary Public in and for the State of Texas

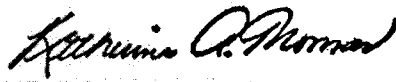
Approved as to form and substance

OSCAR SAN MIGUEL, Attorney for Respondent

Signed this 11th day of January, 2015

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 2nd day of January, 2015, by WARREN DOUGLAS BARTLEY JR, Advanced Practice Registered Nurse License Number AP109225 and Registered Nurse License Number 605979, and said Order is final.

Effective this 8th day of January, 2015.



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