



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 755364 §
& Vocational Nurse License Number 206907 §
issued to NICOLAS JAMES TWEEDEL § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred as the Board, the Petition for Reinstatement of Registered Nurse License Number 755364 and Vocational Nurse License Number 206907, held by NICOLAS JAMES TWEEDEL, hereinafter referred to as Petitioner.

An informal conference was held on October 29, 2013, 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 J.B. Whittenburg, Attorney at Law. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Gary Sibert, RN, 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 Certificate in Vocational Nursing from Lamar University, Port Arthur, Texas, on August 11, 2006. Petitioner was licensed to practice vocational nursing in the State of Texas on October 10, 2006. Petitioner received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on June 9, 2008. Petitioner was licensed to practice professional nursing in the State of Texas on June 12, 2008.
4. Petitioner's nursing employment history includes:

6/04 - 2/10	CNA/LVN/RN	Baptist Hospital Beaumont, Texas
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Petitioner's nursing employment history continued:

3/10 - 8/10	RN	Village Choice Home Health Beaumont, Texas
9/10 - 1/11	RN	Magnolia Manor Graves, Texas
2/11 - present	Not employed in nursing	

5. On March 6, 2012, the Board accepted the voluntary surrender of Petitioner's license(s) to practice vocational and professional nursing in the State of Texas. A copy of the March 5, 2012, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about August 26, 2013, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
 - 7.1. Deferred Adjudication Order of Dismissal, dated August 6, 2013, for Cause No. 10-10364.
 - 7.2. Documentation of Petitioner's treatment through Southeast Texas Council on Alcohol and Drug Abuse beginning January 26, 2012.
 - 7.3. Letter of support, dated July 22, 2013, from Judy Collier, BSN, RN-BC, Baptist Beaumont Hospital, Beaumont, Texas, stating Petitioner started working at the facility in 2004. Petitioner was an amazing nurse, always making sure his patients felt at ease by allaying their fears. He collaborated with the physicians and other departments to make sure that patients received the best care possible. Petitioner was very caring, tender, empathetic, hard-working and eager to learn. Petitioner demonstrated exceptional competence and compassion as a nurse. Petitioner worked until 2010 when he experienced his lapse of judgment and had to be let go. Petitioner has since successfully recovered and is now working in an unlicensed assistant position while waiting for the return of his nursing license. The hospital and staff at Baptist are eager to have Petitioner on the team again.
 - 7.4. Letter of support, dated July 2, 2013, from Margaret Nichols, Coppell, Texas, stating she worked with Petitioner from 2008 to 2009 at Baptist Hospital in Beaumont, Texas. Ms. Nichols loved working with Petitioner because he genuinely cared for the safety and dignity of all the patients. Petitioner was always a team player. He would help out extra on the unit and be flexible with his schedule. Petitioner was organized, efficient, compassionate, able to handle patient conflict and demonstrated excellent knowledge and competence with his nursing skills.

- 7.5. Letter of support, dated July 4, 2013, from Dorrell Dixon, Beaumont, Texas, stating Petitioner has worked at Baptist Hospital since 2004 to present. He worked as a nurses' aid from 2004 to 2006 and was an excellent worker, always caring and compassionate to his patients and their families. He went on to become a staff RN and his love and compassion for his patients continued. He is very likable and gets along well with all of his co-workers. Ms. Dixon highly recommends Petitioner to be reinstated as a registered nurse.
- 7.6. Letter of support, dated July 4, 2013, from Allyson Carr, Beaumont, Texas, stating she has known Petitioner for approximately nine (9) years and has worked with him in a nursing capacity. Petitioner is a well organized, compassionate nurse. He is knowledgeable, caring and a true asset to the nursing profession. Ms. Carr is amazed by Petitioner's determination to overcome his struggles and prove himself worthy of being a nurse. Ms. Carr wants to encourage the Board to reinstate his nursing license.
- 7.7. Letter of support, dated July 3, 2013, from Katharine Morgan, RN, Winnie, Texas, stating she has known and worked with Petitioner for the past eight (8) years. Petitioner is able to maintain a high level of work performance despite difficult situations, tackles challenging tasks, and is always a positive influence on his co-workers. He fulfills his obligations and follows through on commitments, taking responsibility for his own actions.
- 7.8. Letter of support, dated July 7, 2013, from Jerri Wolfford, BSN, RN, CPN, Director of Children's Services, Baptist Hospital, Beaumont, Texas, stating she has worked with Petitioner for several years and can attest to his loyalty and dedication to patient care and customer service. Petitioner displays remarkable concern for the welfare and happiness of every person. His kindness and compassion show in the patience he exhibits with each interaction, going above and beyond to make sure every patient is comfortable and safe before leaving a room. He is accountable for his actions and can be depended on to do an excellent job consistently.
- 7.9. Letter of support, dated July 2, 2013, from Joyce Hebert, RN, Lake Charles, Louisiana, stating she has been fortunate to work side by side with Petitioner for the past couple of years. Ms. Hebert admires Petitioner's strength and determination. He is trustworthy and hardworking. By watching Petitioner, Ms. Hebert has learned that people should never prejudge someone who has battled addiction. He has turned this negative into a positive experience and has grown so much from it.
- 7.10. Negative random drug screens collected weekly from May 4, 2012, through July 11, 2013.
- 7.11. Verification of successful completion of the required Continuing Education Contact Hours for reinstatement.
8. Petitioner gives January 25, 2012, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of NICOLAS JAMES TWEEDEL, Registered Nurse License Number 755364 and Vocational Nurse License Number 206907, 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 pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to NICOLAS JAMES TWEEDDEL, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine 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.

(3) 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>

(4) 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/disciplinaryaction/stipscourses.html>.

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:

(5) 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.

(6) 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.

(7) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, 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.

(8) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. 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.

(9) 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.

(10) 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.

(11) 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.

(12) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(13) 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.**

(14) 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	Meperidine
Barbiturates	Methadone
Benzodiazepines	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.

(15) 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.

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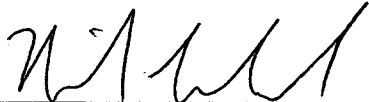
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PETITIONER'S CERTIFICATION

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

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

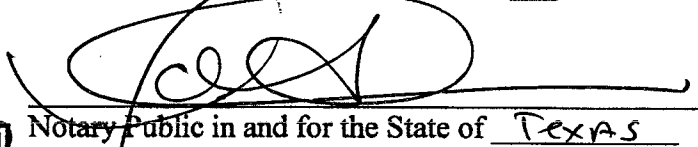
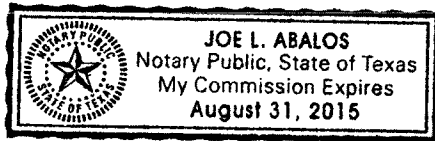
Signed this 15th day of November, 2013.



NICOLAS JAMES TWEEDEL, Petitioner

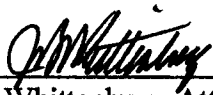
Sworn to and subscribed before me this 15th day of November, 2013.

SEAL



Notary Public in and for the State of Texas

Approved as to form and substance.



J.B. Whittenburg, Attorney for Petitioner

Signed this 19th day of November, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 15th day of November, 2013, by NICOLAS JAMES TWEEDEL, Registered Nurse License Number 755364 and Vocational Nurse License Number 206907, and said Order is final.

Effective this 23rd day of January, 2014.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 755364 and §
Vocational Nurse License Number 206907 §
issued to NICOLAS JAMES TWEEDEL §

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 755364 and Vocational Nurse License Number 206907, issued to NICOLAS JAMES TWEEDEL, 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's license to practice professional nursing in the State of Texas is currently in delinquent status. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Lamar University-Port Arthur, Port Arthur, Texas, on August 11, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 2006. Respondent received an Associate Degree in Nursing from Lamar University-Port Arthur, Port Arthur, Texas, on June 9, 2008. Respondent was licensed to practice professional nursing in the State of Texas on June 12, 2008.
4. Respondent's complete vocational and professional nursing employment history is unknown.

5. On or about June 2009, while employed as a Registered Nurse with Baptist Hospital of Beaumont, Beaumont, Texas, Respondent lacked fitness to practice nursing in that he admitted to an addiction to Xanax and Vicodin. 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.
6. On or about June 2009, while employed as a Registered Nurse with Baptist Hospital of Beaumont, Beaumont, Texas, Respondent admitted that when he ran out of old prescriptions, he would become desperate and misappropriate medications from patients and take them home, in order to self medicate just to get through the night. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
7. On or about November 9, 2009, while employed as a Registered Nurse with Baptist Hospital of Beaumont, Beaumont, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Propoxyphene in that he submitted a specimen for a drug screen that produced a positive result for Propoxyphene. Unlawful possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propoxyphene 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 take rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about February 4, 2010, while employed as a Registered Nurse with Baptist Hospital of Beaumont, Beaumont, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of Oxazepam and Temazepam in that he submitted a specimen for a drug screen that produced a positive result for Oxazepam and Temazepam. Unlawful possession of Oxazepam and Temazepam is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam and Temazepam 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 take rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. In response to Finding of Fact Numbers Five (5) through Eight (8), Respondent states the allegations are true.
10. The Board provided Respondent notice of the following allegations:
 - On or about February 22, 2011, while employed as a Registered Nurse with Magnolia Manor, Groves, Texas, Respondent misappropriated four hundred and eighty (480) Lortab (Hydrocodone) from the facility or 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.

- On or about February 22, 2011, while employed as a Registered Nurse with Magnolia Manor, Groves, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Opiates in that he submitted a specimen for a drug screen that produced a positive result for Benzodiazepines and Opiates.
 - On or about July 11, 2011, Respondent was convicted of POSSESSION OF A CONTROLLED SUBSTANCE BY FRAUD (a 2nd Degree Felony offense committed on October 17, 2010), in the 252nd District Court of Jefferson County Texas, Jefferson County, Texas, under cause No. 10-10364. As a result of the conviction, Respondent's adjudication of guilt was deferred, and Respondent was placed on community supervision for a period of five (5) years. Additionally, Respondent was ordered to pay a fine, court costs, and was ordered to "immediately surrender his nursing license to the District Attorney's office and notify the State of Texas Nurse Licensing Board of the present offense and to surrender his nursing license to them as well".
11. On February 6, 2012, 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 January 30, 2012, 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 violations of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(6)(G),(8),(10)(A),(D)&(E),(11)(B)&(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept

the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), 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 755364 and Vocational Nurse License Number 206907, heretofore issued to NICOLAS JAMES TWEEDEL, to practice professional or vocational nursing in the State of Texas, is 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 or vocational nursing, use the title of registered nurse or vocational nurse or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the license is 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 professional or vocational nursing in the State of Texas.

Effective this 6th day of March, 2012.



TEXAS BOARD OF NURSING

By:


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

NICOLAS JAMES TWEEDEL
7650 Wickersham Place
Beaumont, Texas 77706
Texas Registered Nurse License #755364
Texas Vocational Nurse License #206907
Voluntary Surrender Statement

January 30, 2012

Dear Texas Board of Nursing:

I no longer desire to be licensed as a Registered or Vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. INICOLAS JAMES TWEEDEL 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 *N. Tweedel*

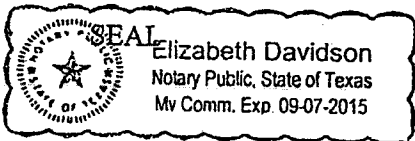
Date 2-2-12

Texas Nursing License Number/s 755364/206907

The State of Texas

Before me, the undersigned authority, on this date personally appeared NICOLAS JAMES TWEEDEL 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 2nd day of February, 2012.



Elizabeth Davidson
Notary Public in and for the State of Texas