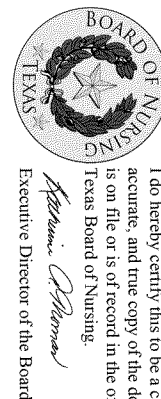


In the Matter of  
Permanent Vocational Nurse  
License Number 320063  
Issued to MICHAEL PERRY MOORE,  
Respondent

§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE



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.

ORDER OF THE BOARD

TO: Michael Moore  
1282 Hoohiki Pl  
Apt A  
Pearl City, HI 96782

During open meeting held in Austin, Texas, on December 10, 2019, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 320063, previously issued to MICHAEL PERRY MOORE to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10<sup>th</sup> day of December, 2019

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed October 10, 2019


d17r(2019.11.07)

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of December, 2019, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,  
Copy Via USPS First Class Mail

Michael Moore  
1282 Hoohiki Pl  
Apt A  
Pearl City, HI 96782

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of  
Permanent Vocational Nurse  
License Number 320063  
Issued to MICHAEL PERRY MOORE,  
Respondent

§  
§  
§  
§  
§  
BEFORE THE TEXAS  
BOARD OF NURSING

#### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL PERRY MOORE, is a Vocational Nurse holding license number 320063 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 August 16, 2019, Respondent received a Final Order from the State Board of Nursing of Colorado, Denver, Colorado, wherein his license to practice vocational nursing was placed on probation. A copy of the Final Order dated August 16, 2019, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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) and/or privilege(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.

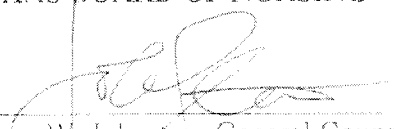
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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CONTINUED ON NEXT PAGE.

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](http://www.bon.texas.gov).

Filed this 10 day of October, 2019.

TEXAS BOARD OF NURSING

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

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

JoAnna Starr, Assistant General Counsel  
State Bar No. 24098463

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

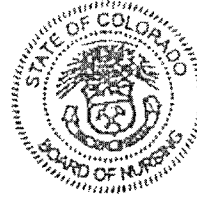
P: (512) 305-8657

F: (512) 305-8101 or (512) 305-7401

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. 2019-1154



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office

*R. Murray* 8/16/19  
Authorized Signature

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**STIPULATION AND FINAL AGENCY ORDER**

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IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF MICHAEL MOORE, ISSUED LICENSE NO. PN 335654,

Applicant.

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IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel B, acting in its licensing capacity pursuant to section 12-38-108(1)(b)(II), C.R.S. (the "Board"), and Michael Moore ("Applicant"), as follows:

1. Applicant submitted an application for a license to practice as a practical nurse in the State of Colorado on February 8, 2019 ("Application"). The Board considered Applicant's Application and agreed to grant Applicant a single-state license to practice practical nursing in Colorado subject to the terms and conditions of this Stipulation and Final Agency Order ("Order").

2. The Board has jurisdiction over the person of Applicant and the subject matter of this Order.

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2019-1154 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe, or affect this Order.

4. Applicant understands that:

a. Applicant has the right to be represented by an attorney of Applicant's choice, and Applicant has voluntarily chosen to proceed without representation;

b. Applicant has the right to a formal disciplinary hearing pursuant to sections 12-38-118, 24-4-104(9), and 24-4-105, C.R.S.;

c. By entering into this Order, Applicant knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

d. By entering into this Order, Applicant knowingly and voluntarily waives the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board;

e. By entering into this Order, Applicant knowingly and voluntarily waives the right to seek judicial review of this Order; and

f. By entering into this Order, Applicant agrees that during the effective period of this Order, any license issued by the State of Colorado shall be a single state license without multistate licensure privilege to practice in other states, except as otherwise provided in this Order.

5. Applicant admits as follows:

a. On or about February 8, 2019, Applicant submitted the Application and disclosed an arrest on June 13, 2018 related to excessive use of alcohol.

b. On the Application, Applicant marked "yes" to the question that states "Have you been convicted, entered a plea of guilty, nolo contendere, or no contest for any misdemeanor or petty offense?"

c. In relation to the events on June 13, 2018, Applicant pled guilty in El Paso County Court Case No. 2018CR3506 to one count of disorderly conduct, a class 2 misdemeanor, in violation of section 18-9-106(1)(e) and (f), C.R.S.

d. On or about May 1, 2019, Applicant underwent an evaluation with the Board's nursing peer health assistance or nurse alternative to discipline program, as provided by, and also known as, Peer Assistance Services ("PAS"). The evaluator concluded that Applicant was only safe to practice nursing with reasonable skill and safety with treatment and monitoring.

e. Applicant has excessively used or abused alcohol.

f. Applicant has a physical or mental disability which renders him unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under his care.

6. By virtue of the facts admitted in paragraph 5 above, Applicant admits, and the Board hereby finds, that Applicant is subject to discipline pursuant to 12-38-117(1)(i), (j) and (l), C.R.S.

7. The Board is authorized by sections 12-38-116.5(4)(c)(III) and -118, C.R.S., to order such conditions upon Applicant's practice as deemed necessary, which are set forth in this Order.

8. The Board is authorized to suspend, revoke, impose an administrative fine, or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

12-38-117. Grounds for discipline. (1) "Grounds for discipline," as used in this article, means any action by any person who:

(i) Excessively uses or abuses alcohol, habit-forming drugs, controlled substances, as defined in section 18-18-102(5), or other drugs having similar effects, or is diverting controlled substances, as defined in section 18-18-102(5), or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such excessive use or abuse.

(j) Has a physical or mental disability which renders him unable to practice nursing with reasonable skill and safety to the patients and which may endanger the health or safety of persons under his care.

(l) Has engaged in any conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse. In conjunction with any disciplinary proceeding pertaining to this paragraph (l), the board shall be governed by the provisions of section 24-5-101, C.R.S.

#### PARTICIPATION IN PEER ASSISTANCE SERVICES

9. By entering into this Order, Applicant agrees to participate in PAS for a minimum of three (3) years, pursuant to section 12-38-131, C.R.S. In the event that PAS is eliminated or in any way ceases to exist during the period of time in which Applicant is undergoing evaluation or monitoring, the Board may order substitution of another such program or the Board itself may monitor Applicant. Under such circumstances, monitoring terms may be subject to amendment or revision, as the Board, in its discretion, determines necessary to establish terms substantially equivalent to those set forth in this Order and all provisions of this Order concerning PAS shall be applicable to the substituted program. Additionally, Applicant hereby agrees that any release or authorization granted to PAS shall also apply to any subsequent program during the effective period of this Order.

10. By entering into this Order, Applicant agrees to schedule an intake appointment with PAS within three (3) days of the effective date of this Order. The intake appointment must take place within fifteen (15) days of contacting PAS. Failure to schedule the intake appointment within three (3) days of the effective date of this Order shall constitute a violation of this Order.

11. Applicant shall be evaluated by PAS to determine an appropriate monitoring contract. Applicant agrees to comply with all terms and conditions determined by PAS, and shall enter into a written contract with PAS, setting forth such terms and conditions (the "PAS Contract"). Failure to sign the PAS Contract within fourteen (14) days of the completed intake appointment shall constitute a violation of this Order.

12. By entering into this Order, Applicant authorizes the Board to request and receive information, which would otherwise be confidential, that is related to Applicant from any healthcare professional providing services pursuant to Applicant's involvement in PAS. Additionally, Applicant authorizes the Board to release Board records to any healthcare professional providing services pursuant to Applicant's involvement in PAS.

13. This information may include alcohol and drug abuse treatment program records that may be confidential under federal or state law. Applicant authorizes the Board to re-disclose and make public, consistent with Board policy, information obtained from PAS necessary for the limited purposes of enforcing this Order, seeking sanctions for non-compliance with this Order, or other purposes authorized in the Nurse Practice Act, sections 12-38-101 to -301, C.R.S. Medical records shall not become



public records by virtue of such use. Any revocation of any release or authorization by Applicant concerning such confidential information shall constitute a violation of this Order.

14. Within two (2) weeks of the effective date of this Order, and within two (2) weeks of obtaining nursing employment at any time during the pendency of this Order, Applicant shall provide a copy of this Order to the immediate nursing supervisor at Applicant's place of employment.

#### POSSIBLE SANCTIONS FOR VIOLATION OF THIS ORDER

15. Applicant shall comply fully and in a timely manner with all requirements, recommendations, restrictions, and directions of the treatment program, as specified in the PAS Contract signed by Applicant.

16. Applicant acknowledges that PAS shall provide a report to the Board within twenty four (24) hours, or the next working day, of Applicant's termination from PAS for any reason other than successful completion. Termination from PAS may occur for failure to comply with any term of the PAS Contract, or upon a finding by PAS that Applicant is unable to practice nursing with reasonable skill and safety to the patients. PAS may also refer Applicant to the Board for non-compliance not resulting in termination from PAS. Following notification of Applicant's non-compliance with PAS or termination from PAS, the Board may take appropriate action as authorized by the Nurse Practice Act, sections 12-38-101 through -131, C.R.S., and/or this Order.

17. Applicant acknowledges that if Applicant is referred to the Board for non-compliance, documents kept in the possession of PAS regarding Applicant will be sent to the Board.

18. If at any time during the duration of this Order, Applicant fails to attend or complete PAS, the Board may, as provided by section 12-38-131(4), C.R.S., immediately suspend Applicant's license to practice practical nursing.

a. In the event that the Board suspends Applicant's license for failing to attend or complete PAS, the Board shall send an Order of Suspension to Applicant by first class mail to Applicant's address of record with the Board. Such suspension shall be effective three days after the Order of Suspension is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. In the case of such suspension, the Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with the PAS Contract.

c. Within ten (10) days of the receipt of an Order of Suspension, Applicant may request a hearing contesting the allegation(s) that led to the section 12-38-131, C.R.S., suspension. In the hearing, Applicant shall bear the burden of proving that the license should not be suspended. Such hearing will be limited to the issue of whether Applicant failed to attend or complete the program. A request for hearing will not stay the suspension of Applicant license.

19. If at any time during the duration of this Order, Applicant violated any term of this Order other than as addressed in the above paragraph, the Board may, as

provided by section 12-38-116.5(4)(c)(IV), C.R.S., revoke or suspend Applicant's license to practice practical nursing until such time as Applicant complies with such conditions.

a. In the event that the Board suspends Applicant's license pursuant to section 12-38-116.5(4)(c)(IV), C.R.S., the Board shall send an Order of Suspension by first class mail to Applicant's address of record with the Board. Such suspension shall be effective three (3) days after the date the Order of Suspension is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. The Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with this Order.

c. Within ten (10) days of the receipt of an Order of Suspension, Applicant may request a hearing contesting the allegation(s) that led to the section 12-38-116.5(4)(c)(IV), C.R.S., suspension. In the hearing, Applicant shall bear the burden of proving that the license should not be suspended. Such hearing will be limited to the issue of whether Applicant complied with all terms of this Order. A request for hearing will not stay the suspension of Applicant's license.

d. Nothing in this paragraph 19 shall limit the Board's ability to discipline Applicant as provided by the Nurse Practice Act, and the State Administrative Procedure Act, sections 24-4-101 through -108, C.R.S.

20. In addition to any remedy set forth above, the Board may commence disciplinary proceedings pursuant to sections 12-38-116.5 and 24-4-104 and -105, C.R.S., for any additional act subject to discipline under section 12-38-117, C.R.S. In the event of a subsequent disciplinary hearing, this Order shall be admissible into evidence. In the event the facts that constitute the alleged violation of this Order are determined to be unproven, no disciplinary action shall be taken by the Board, and this Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Order shall not affect the obligation of Applicant to comply with the terms of this Order.

#### OTHER TERMS

21. At the end of Applicant's PAS Contract, Applicant will provide written proof to the Board of successful completion of the PAS Contract. If the Board finds that Applicant adhered to all terms of this Order, then this proceeding shall be concluded.

22. In the event of relocation to another state, Applicant shall notify the Board of the change of address within thirty (30) days of such relocation. Applicant acknowledges that the Board may notify the Board of Nursing, or the equivalent regulatory agency in any state to which Applicant relocates or applies for a health care license, of the existence and terms of, and Applicant's compliance with, this Order.

23. With regards to the Enhanced Nurse Licensure Compact, sections 24-60-3801 and -3802, C.R.S., Applicant agrees to limit Applicant's practice to Applicant's home state during the pendency of this Order.

24. Applicant shall comply with all provisions of the Nurse Practice Act, all rules and regulations of the Board, and obey all other state and federal laws while the terms of this Order are in effect.

25. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

26. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

27. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall not in any way be the obligation of the Board.

28. This Order shall be effective upon (a) mailing by first-class mail to Applicant at Applicant's address of record with the Board, or (b) service by e-mail on Applicant at Applicant's electronic address of record with the Board. Applicant hereby consents to service by electronic means if Applicant has an electronic address on file with the Board.

29. In the event this Order is not signed by an authorized Board representative, it shall be void and Applicant shall not be bound by any provisions hereof or admissions herein.

30. Upon becoming effective, this Order and all of its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-38-118, C.R.S., except that it may not be appealed. This Order and all of its terms also constitute an order of the Board for purposes of section 12-38-117(1)(g), C.R.S., and any violation of this Order may constitute grounds for further disciplinary sanctions.

31. This Order shall be admissible as evidence at any future hearing before the Board.


32. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

33. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the National Practitioner Data Bank, and as otherwise required by state or federal law.

APPLICANT

  
MICHAEL MOORE

STATE BOARD OF NURSING

  
SAM DELP  
Senior Program Director  
State Board of Nursing  
1560 Broadway, Suite 1370  
Denver, Colorado 80202



Approved: This 15 day  
of August, 2019.

The FOREGOING Stipulation and Final Agency Order is effective upon service to Applicant, on this 16<sup>th</sup> day of August, 2019.