



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.  
*William O'Hanrahan*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
MICHAEL J ROGERS,  
Vocational Nurse License Number 305795

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### ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL J ROGERS, Vocational Nurse License Number 305795, 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. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from East Central-Coffee Co, Douglas, Georgia, on December 14, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on February 14, 2012.
4. Respondent's nursing employment history includes:

2/2012 - 2013

Unknown

Respondent's nursing employment history continued:

2014 – 2016	Licensed Vocational Nurse	Sagebrook Nursing and Rehabilitation Cedar Park, Texas
2016 – 2017	Licensed Vocational Nurse	San Gabriel Rehabilitation Round Rock, Texas
2018 - 2019	Licensed Vocational Nurse	New Hope Manor Cedar Park, Texas

5. Amended Formal Charges were filed on June 12, 2020. A copy of the Amended Formal Charges, dated June 12, 2020, is attached and incorporated herein by reference as part of this Order.
6. On September 24, 2021, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement is attached and incorporated herein by reference as part of this Order.

### **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 §217.11 (1)(A),(1)(B),(1)(C),(1)(D) & (2)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(4),(5),(6)(A),(6)(G),(8),(10)(A),(10)(D),(10)(E)&(11)(B)
4. The evidence received is sufficient cause pursuant to Section 301.452(b) (10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 305795, heretofore issued to MICHAEL J ROGERS, 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.

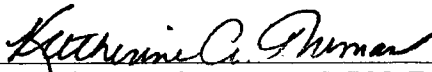
### **TERMS OF ORDER**

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 305795 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
  - A. At least one (1) year has elapsed from the date of this Order; and
  - B. RESPONDENT has 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 ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 24<sup>th</sup> day of September, 2021

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

MICHAEL J ROGERS  
202 Fossil Trail, Leander, TX 78641  
LVN LICENSE NUMBER 305795

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice nursing in the State of Texas. I consent to the entry of an Order with findings reflecting the alleged conduct and which outlines requirements for reinstatement of my license. I understand that I can be represented by an attorney in this matter. I waive attorney representation, notice, administrative hearing, and judicial review of the Order entered by the Board. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. 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: \_\_\_\_\_

Date: \_\_\_\_\_

LVN LICENSE NUMBER 305795

The State of Texas

Before me, the undersigned authority, on this date personally appeared MICHAEL J ROGERS who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

Notary Public in and for the State of \_\_\_\_\_

In the Matter of  
Permanent Vocational Nurse  
License Number 305795  
Issued to MICHAEL J ROGERS,  
Respondent

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BEFORE THE TEXAS  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHAEL J ROGERS, is a Vocational Nurse holding license number 305795 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 September 7, 2019, while employed as a Licensed Vocational Nurse at Brookdale Westlake Hills Skilled Nursing, Austin, Texas, Respondent falsely documented the administration of Zosyn 4.5grams intravenous (IV) scheduled at 2300 for Resident 2688SWHSN. On September 8, 2019, another nurse found the IV bag of Zosyn 4.5 grams still hanging that had been initialed and dated by the nurse two (2) shifts prior. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on his documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D) & (2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C),(4) &(6)(A).

#### CHARGE II.

On or about March 18, 2020, while employed as a Registered Nurse at Park Place Healthcare Center, Georgetown, Texas, Respondent misappropriated three (3) Fentanyl 12.5mg patches belonging to Patient N.J., or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

### CHARGE III.

On or about March 19, 2020, while employed as a Registered Nurse at Park Place Healthcare Center, Georgetown, Texas, Respondent engaged in the intemperate use of morphine in that Respondent provided a specimen for a for-cause drug test that tested positive for opiates and morphine. Possession of Morphine and Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substance Act). Additionally, Respondent admitted that he tested positive due to consuming medication he had at home. The use of Morphine and Opiates by a Licensed Vocational Nurse, while subject to call or duty, 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(10)(A)&(10)(D).

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).

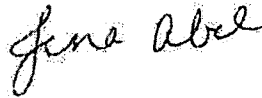
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's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

Filed this 12<sup>th</sup> day of June, 2020.

TEXAS BOARD OF NURSING



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D(2020.04.16)