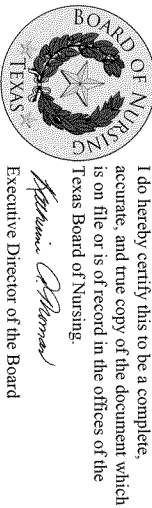


**In the Matter of
Permanent Registered Nurse
License Number 987376
Issued to PETER ALBERT SMITH,
Respondent**

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

ORDER OF THE BOARD

TO: Peter Smith
714 Chapel Ridge Rd
Timonium, MD 21093



During open meeting held in Austin, Texas, on November 9, 2021, 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 Registered Nurse License Number 987376, previously issued to PETER ALBERT SMITH 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 9th day of November, 2021

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charges filed February 1, 2021

d17r(2021.09.20)

Re: Permanent Registered Nurse License Number 987376
Issued to PETER ALBERT SMITH
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 2021^{HW}, 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

Peter Smith
714 Chapel Ridge Rd
Timonium, MD 21093

BY: 

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

**In the Matter of
Permanent Registered Nurse
License Number 987376
Issued to PETER ALBERT SMITH,
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, PETER ALBERT SMITH, is a Registered Nurse holding license number 987376 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 May 28, 2020, Respondent agreed to voluntarily surrender his license to practice as Registered Nurse in the State of Maryland. A copy of the Maryland voluntary surrender, dated May 28, 2020, 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.

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.

Filed this 1st day of February, 2021.

TEXAS BOARD OF NURSING

Jena Abel

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

Brian L. Miller, Jr., Assistant General Counsel
State Bar No. 24117478

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

VOLUNTARY SURRENDER
PETER SMITH, R214899, A00079688

Gary N. Hicks, MS, RN, CEN, CNE
President, Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, Maryland 21215-2254

**RE: Surrender of License to Practice as a Registered Nurse,
License Number R214899
Surrender of Certificate to Practice as a Certified Nursing Assistant,
Certificate Number A00079688**

Dear Mr. Hicks:

I agree to voluntarily surrender my license to practice as a registered nurse ("RN") in the State of Maryland, license number **R214899**, and my certificate to practice as a certified nursing assistant ("CNA"), certificate number **A00079688**, to the Maryland Board of Nursing (the "Board"). I understand that I may not practice as an RN or CNA, with or without compensation, as it is defined in the Maryland Nurse Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 8-101 *et seq.*, and the Board's regulations, COMAR 10.27.01 *et seq.* and COMAR 10.39.01 *et seq.* In other words, as of the effective date of this Voluntary Surrender, I understand that I am in the same position as an unlicensed, uncertified individual. I understand that this Voluntary Surrender shall become a **PUBLIC** record and shall become effective on the date of the Board's acceptance of it. I agree that this letter may be released or published by the Board as a final decision and order under the Public Information Act, Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

On or about December 6, 2018, I signed a Participation Agreement in order to enter into the Board's Safe Practice Program after I self reported my substance abuse to the Board. On or about September 23, 2019, however, I was expelled from the Safe Practice Program for noncompliance with my Participation Agreement, including missing daily call-ins for potential toxicology screens and failing to submit to toxicology screens when selected.

On February 6, 2020, the Board issued a Notice of Agency Action -- Charges under the Maryland Nurse Practice Act ("Charges"), charging my RN license with violations under Health Occ. § 8-316(a)(21) (Is expelled from the safe practice program for failure to comply with the conditions of the program) and charging my CNA certificate under § 8-6A-10(a)(20) (Has violated any provision of this title or has aided or knowingly permitted any person to violate any provision of this title; to wit, §8-316(a)(21) (Is expelled from the safe practice program established pursuant to § 8-208 of this title for failure to comply with the conditions of the program); and § 8-6A-10(a)(26) (When holding an expired or lapsed certificate, commits any act that would be grounds for disciplinary action under this section).

SMITH, Peter (R214899; A00079688)
Voluntary Surrender

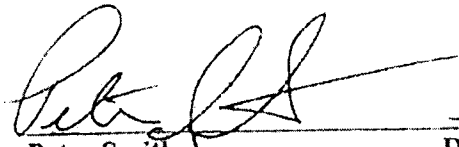
I submitted a timely request for an evidentiary hearing on the Charges against my RN license and CNA certificate. In lieu of proceeding to the evidentiary hearing, I agree to surrender my RN license and CNA certificate.

I agree the Board has enough evidence to prove by a preponderance of the evidence the above violations cited in the Charges issued on February 6, 2020, and may sanction my RN license and CNA certificate accordingly, pursuant to Health Occ. § 8-316 and § 8-6A-10 and COMAR 10.27.26. I understand that, by executing this Voluntary Surrender, I am waiving the right, now and in the future, to any evidentiary hearing at which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to contest the facts summarized in this Voluntary Surrender, and at which I would have the right to all other substantive and procedural protections provided by law, including the right to appeal.

In executing this agreement to surrender my RN license and CNA certificate to the Board, I agree that I will not apply for reinstatement for a period of **ONE (1) YEAR** following the date of the Board's acceptance of this Voluntary Surrender. I also agree that if, after a period of **ONE (1) YEAR**, I decide to apply for reinstatement as an RN or CNA in Maryland, I will approach the Board in the same posture as an unlicensed, uncertified individual whose license and certificate have been revoked. In considering my application for reinstatement, the Board may review my entire Board file, including any information the Board receives after execution of this letter. I understand that it will be my burden, as an applicant for reinstatement, to demonstrate that I meet all of the Board's requirements for reinstatement of my license or certificate at the time I submit a reinstatement application. I also understand that in considering any future application for reinstatement of my license or certificate, the Board may require me to undergo medical, psychological, and/or psychiatric evaluations, and drug and alcohol testing to determine my fitness to have my license or certificate reinstated. I understand that if the Board reinstates my license or certificate, it will be reinstated through the Board's disciplinary process and that my license or certificate will only be reinstated by the Board's issuance of a public order of reinstatement and that the Board may, in its discretion, place my reinstated license or certificate on probation subject to terms and conditions.

I acknowledge that I may not rescind this Voluntary Surrender in part or in its entirety for any reason whatsoever. I understand the nature and effect of both the Board's actions and this Voluntary Surrender fully. Finally, I wish to make clear that I have had an opportunity to discuss this matter with legal counsel and that I willingly, knowingly, and voluntarily sign this Voluntary Surrender.

Sincerely,


Peter Smith
Date 5/28/2020

SMITH, Peter (R214899; A00079688)
Voluntary Surrender

ACCEPTANCE

ON BEHALF OF THE MARYLAND BOARD OF NURSING, on this 28 day of MAY, 2020, I accept Peter Smith's public Voluntary Surrender of his license to practice as a registered nurse in the State of Maryland, license number R214899, and certificate to practice as a certified nursing assistant in the State of Maryland, certificate number A00079688.

5/28/2020
Date

Gary N. Hicks, MS, RN, CEN, CNE
The Board President's Signature
Appears on the Original Document

Maryland Board of Nursing

NOTARIZATION

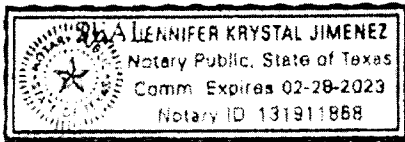
CITY: Corpus Christi

COUNTY: Nueces

I HEREBY CERTIFY that on this 28 day of May

before me, Notary Public of the State and City/County aforesaid, Peter Smith personally appeared, and made oath in due form of law that signing the foregoing Voluntary Surrender was the voluntary act and deed of Peter Smith.

AS WITNESSETH my hand and notarial seal.



Jennifer Krystal Jimenez
Notary Public

My Commission Expires: 02/28/2023