BEFORE THE WYOMING STATE BOARD OF NURSING

IN THE DISCIPLINARY MATTER OF )
REGISTERED PROFESSIONAL NURSE )
LICENSE NO. RN 32834. )

SETTLEMENT AGREEMENT, STIPULATION AND ORDER
FOR VOLUNTARY SURRENDER

COMES NOW, the Disciplinary Committee ("PETITIONER") of the Wyoming State Board of Nursing (hereinafter "Board") and BRUCE CAMPBELL, RN ("RESPONDENT"), pursuant to Wyo. Stat. Ann. § 16-3-107(n) of the Wyoming Administrative Procedure Act ("WAPA") and Wyo. Stat. Ann. § 33-21-122(c)(ix) of the Wyoming Nurse Practice Act ("NPA"), and Chapter 8, Section 5 [Disciplinary Committee and Investigations of the Administrative Complaint] of the Administrative Rules and Regulations of the Wyoming State Board of Nursing ("Board's Rules"), do hereby enter into this Settlement Agreement, Stipulation and Order for Voluntary Surrender ("Agreement"), subject to approval by the Board.

FINDINGS OF FACT

1. RESPONDENT is licensed as a Registered Professional Nurse under License No. RN 32834 in the State of Wyoming, which will expire on December 31, 2016, according to the records of the Board. RESPONDENT's authority to practice was summarily suspended related to an administrative complaint submitted by Sage West Healthcare in Lander, Wyoming ("SWH"), alleging impairment in the workplace, as reflected in the Stipulation and Order for Summary Suspension of Registered Professional Nurse License approved by the Board on or about April 15, 2015 ("2015 Summary Suspension Order"), attached hereto as Exhibit A. RESPONDENT was subject to certain requirements, including cooperation with further investigation, treatment and evaluations, as well as compliance with professional monitoring requirements with the Nurse Monitoring Program ("NMP").

Factual Allegations Since Approval of 2015 Summary Suspension Order

2. RESPONDENT provided a response wherein he acknowledged the facts of February 27, 2015. He also asserted that he was not providing patient care. He also stated the "shaky hand" is a medical condition. He denied drinking during work hours. He sought medical help immediately after this incident and is currently on medication.

3. RESPONDENT enrolled in the NMP and has been compliant with the requirements of that program, including completing random drug testing. He moved to New Mexico shortly after being terminated from SWH and is currently living in Las Cruces, New Mexico. He has been in contact with the New Mexico Board of Nursing about his licensure status there.
4. RESPONDENT submitted to a substance abuse evaluation as evidenced by the written report dated June 25, 2015.

5. On July 28, 2015, RESPONDENT expressed his intent to voluntarily surrender his Wyoming license.

6. On July 31, 2015, counsel for PETITIONER, Board staff, RESPONDENT and his counsel had a teleconference which affirmed RESPONDENT’s request to voluntarily surrender his Wyoming RN license. RESPONDENT also expressed his intention to voluntarily surrender his nurse license in New Mexico as well.


7. PETITIONER alleges that RESPONDENT’s above-described conduct as set forth in the 2015 Summary Suspension Order and Paragraphs 2 through 6, inclusive, hereinabove, if established by clear and convincing evidence at a contested case hearing, constitutes violations of the NPA found at Wyo. Stat. Ann. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice]; Wyo. Stat. Ann. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/ failure to conform to the standards of prevailing nursing practice]; and Wyo. Stat. Ann. § 33-21-146(a)(ix) [violation of NPA/Board’s Rules].

8. PETITIONER further alleges that RESPONDENT’s above-described conduct as reflected in the 2015 Summary Suspension Order and Paragraphs 2 through 6, inclusive, hereinabove, if established by clear and convincing evidence at a contested case hearing, constitutes violations of the Chapter 8, Section 3 [Grounds for Discipline] of the Board’s Rules, including substance use/dependency [Ch. 8, Sec. 3(a)(i)(C)]; and failure to conform to the standards of acceptable and prevailing nursing practice [Ch. 8, Sec. 3(a)(vii)].


9. Violation of the foregoing statutory and rule provisions is subject to discipline of RESPONDENT’s Registered Professional Nurse License. In light of mitigating and aggravating circumstances, as well as RESPONDENT’s request to voluntarily surrender his license, PETITIONER has determined that a voluntary surrender is an appropriate alternative to the initiation of a formal disciplinary proceeding for other forms of discipline of RESPONDENT’s Registered Professional Nurse License No. RN 32834.

10. The foregoing recommendations are authorized by Chapter 8, Section 5(c)(iii) of the Board’s Rules, which provides that PETITIONER may “[r]ecommend a settlement agreement which may include a voluntary surrender or a combination of suspension, the imposition of restrictions, conditions, reprimand, or other discipline [.]”

[CONTINUED ON FOLLOWING PAGE]
RESPONDENT’s Representations Regarding this Agreement

11. RESPONDENT represents that he has read this Agreement in its entirety, has had an opportunity to consult with counsel, fully understands the contents and requirements herein, and agrees to abide by the Order set forth herein, in lieu of a contested case hearing. By executing this Agreement, RESPONDENT waives his right to an administrative contested case hearing and all appeals in this matter pursuant to the WAPA [Wyo. Stat. Ann. §§ 16-3-101 et seq.], the NPA, the Board’s Rules, or any other applicable law or constitutional right.

12. Due and proper notice of this matter has been afforded to RESPONDENT, and RESPONDENT agrees he has not been subjected to undue influence, pressure or coercion by PETITIONER, the Board, its staff, or the Office of the Attorney General, and that he is entering into this Agreement under his own free will after having the opportunity to obtain advice from an attorney regarding the consequences of entering into this Agreement.

13. RESPONDENT further understands this Agreement shall be submitted to the Board which may either approve or reject the Agreement. Should the Board reject the Agreement, RESPONDENT shall have an opportunity to request a contested case hearing in accordance with the WAPA, the NPA, and the Board’s Rules.

14. If the Board does not approve this Agreement and a contested case hearing takes place as a consequence, RESPONDENT further represents and agrees that he does not object to the Board’s hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Agreement and its contents.

15. RESPONDENT further understands this Agreement is a disciplinary action and shall become a permanent part of his record with the Board. By signing this Agreement, RESPONDENT further understands that this Agreement is a public record, and is, therefore, subject to reporting, disclosure, inspection and dissemination in accordance with all federal and state laws, agreements with other jurisdictions or entities, as well as publication as provided below.

CONCLUSIONS OF LAW

1. Paragraphs 1 through 15 of the Findings of Fact are incorporated herein by reference.

Jurisdiction

2. The Board has jurisdiction in this matter and over RESPONDENT pursuant to the NPA, the Board’s Rules, and the WAPA, Wyo. Stat. Ann. §§ 16-3-101 et seq.
3. The Board concludes that the RESPONDENT’s conduct as set forth in the 2015 Summary Suspension Order and Paragraphs 2 through 6, inclusive, hereinabove, if established by clear and convincing evidence at a contested case hearing, constitutes violations of the NPA found at Wyo. Stat. Ann. § 33-21-146(a)(i) [act inconsistent with standards of nursing practice]; Wyo. Stat. Ann. § 33-21-146(a)(iv)(A) and (B) [unfitness/incompetency due to use of drugs or other mind altering chemical/ failure to conform to the standards of prevailing nursing practice]; and Wyo. Stat. Ann. § 33-21-146(a)(ix) [violation of NPA/Board’s Rules].

4. The Board concludes that RESPONDENT’s above-described conduct as reflected in the 2015 Summary Suspension Order and Paragraphs 2 through 6, inclusive, hereinabove, if established by clear and convincing evidence at a contested case hearing, constitutes violations of the Chapter 8, Section 3 [Grounds for Discipline] of the Board’s Rules, including substance use/dependency [Ch. 8, Sec. 3(a)(i)(C)]; and failure to conform to the standards of acceptable and prevailing nursing practice [Ch. 8, Sec. 3(a)(vii)].

5. The applicable statutory and rule provisions referenced in the Paragraphs 3 and 4 of the Conclusions of Law, inclusive, are fully cited as follows:

(a) The board of nursing may . . . suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee or certificate holder, upon proof that the person:
   (i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined by board rules and regulations; * * *
   (iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to: [¶] (A) Being unable to practice nursing with reasonable skill and safety to patients by reason of physical or mental disability, or use of drugs, narcotics, chemicals or any other mind-altering material; or [¶] (B) Performance of unsafe nursing practice or failure to conform to the essential standards of acceptable and prevailing nursing practice, in which case actual injury need not be established[;] * * * [and]
   (ix) Has been found by the board to have violated any of the provisions of this act or of board rules and regulations[.]

Chapter 8, Section 3 [Grounds for Discipline] of the Board’s Rules:
(a) The Board may take disciplinary action against a licensee for the following acts or conduct:
   (i) Inability to function with reasonable skill and safety for the following reasons, including but not limited to: * * * [¶] (C) Substance abuse/dependency; * * * [and]

DISCIPLINARY MATTER OF BRUCE CAMPBELL, RN 32834 -- Docket No. 14-15-276 -- MC
SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR VOLUNTARY SURRENDER
Page 4 of 8
(vii) Failure to conform to the standards of acceptable and prevailing ... nursing practice ..., in which case actual injury need not be established[.]

Disciplinary Authority

6. Pursuant to Chapter 8, Section 5(d) [Disciplinary Committee and Investigations of the Administrative Complaint] of the Board’s Rules, the Board may resolve a complaint by: “(i) Approving the recommendations of the DC; [or] [¶] (ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may: * * * [¶] (C) impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for violation of any provision of the NPA or the Board Rules.”

7. The Board concludes, therefore, that violation of the foregoing statutory and rule provisions is subject to discipline of RESPONDENT’s license for Registered Professional Nurse. However, for the reasons expressed related to PETITIONER’s recommendations described in Paragraph 9 of the Findings of Fact heretofore, a voluntary surrender of RESPONDENT's Registered Professional Nurse License No. RN 32834 for discipline, is an appropriate alternative to a disciplinary proceeding and appropriate pursuant to the aforementioned statutory and regulatory provisions.

ORDER

IT IS THEREFORE HEREBY SETTLED, STIPULATED AND ORDERED:

1. Board Acceptance of Agreement. The Board accepts this Agreement, which constitutes disciplinary action of RESPONDENT’s Registered Professional Nurse License No. RN 32834, for the conduct set forth in the Findings of Fact and Conclusions of Law in this Agreement.

2. Voluntary Surrender of License; Limitation to Reinstatement. This Agreement shall constitute a VOLUNTARY SURRENDER of RESPONDENT’s Registered Professional Nurse License No. RN 32834. RESPONDENT shall not seek nor will be considered eligible for reinstatement as otherwise permitted by the Board’s Rules for a period of two (2) years from the effective date of this Agreement.

3. Reportable Disciplinary Action by Board. This Agreement constitutes authorized disciplinary action of the Board and, as such, shall become a part of RESPONDENT’s permanent record with the Board. It, as well as the information that is part of Case/Docket No. 14-15-276, constitutes a public record within the meaning of the Wyoming Public Records Act (“WPRA”), [Wyo. Stat. Ann. §§ 16-4-201 et seq.], and therefore, upon proper request shall be available for inspection and dissemination in accordance with or except as otherwise provided by applicable state and/or federal law, and the voluntary surrender of RESPONDENT’s Registered Professional Nurse License No. RN 32834, for discipline, shall be reported to such public or private entities as required by law.

DISCIPLINARY MATTER OF BRUCE CAMPBELL, RN 32834 -- Docket No. 14-15-276 -- MC
SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR VOLUNTARY SURRENDER
Page 5 of 8
4. **Publication of Discipline.** This Agreement shall be subject to publication on the Board’s website and a summary of the disciplinary action described therein shall be published in an issue of the Board’s quarterly publication, the *Wyoming Nurse Reporter* ("WNR"), following the Board’s approval of the Agreement.

5. **Continuing Jurisdiction.** The Board shall retain continuing jurisdiction in this matter to take further action as may be necessary to conclude this matter or other actions permitted by law.

6. **Waiver of Contested Case Hearing.** RESPONDENT’s execution of this Agreement also includes his full waiver of any contested case hearing to which he is entitled pursuant to the NPA and the WAPA.

7. **Effective Date.** This Agreement shall become effective upon full and complete execution by all signatories below. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. Signatures, originally signed by hand, but transmitted via e-mail or fax shall also be deemed valid and binding original signatures.

8. **Enforcement.** This Agreement shall be enforceable in the Laramie County District Court in and for the State of Wyoming according to the laws of the State of Wyoming.

9. **Entire Agreement.** This Agreement constitutes the full and entire understanding between the parties, including RESPONDENT, PETITIONER and the Board. RESPONDENT’s execution of this Agreement includes his representation and acknowledgement that he has read and understands the terms and conditions of this Agreement, has been given an opportunity to consult and/or has consulted with counsel of his choice, and accordingly voluntarily enters into this Agreement of his own choosing and shall be bound by the terms and conditions thereof, until the Board issues any order to the contrary. RESPONDENT has been given no additional inducement to enter into and execute this Agreement. Should any portion of this Agreement be judicially determined to be void, illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

[CONTINUED ON FOLLOWING PAGE]
AGREED TO AND ACCEPTED BY RESPONDENT:

I, Bruce Campbell, RESPONDENT herein, swear that I have read the foregoing Agreement and agree to its terms and conditions as provided above.

BRUCE CAMPBELL  

Date: 8/1/2015

STATE OF New Mexico  
COUNTY OF Doña Ana

SS

The foregoing document was subscribed and sworn to before me by Bruce Campbell, personally known to me or having established his/her identity by means of sufficient documentation, purporting to be the person signing the document, and the signature on the foregoing document was made in my presence, on the 6th day of August, 2015.

My Commission Expires: 8/15/2016

[ADDITIONAL SIGNATURES APPEAR ON FOLLOWING PAGE]
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE:

Marjory Christiansen, MSN, RN, CEN

Date: 8/6/2015

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

Cynthia H. Woulfe, BSN, RN-CD

President or President's designee

Date: 8/11/2015

APPROVED AS TO FORM:

Robert J. Walters
Senior Assistant Attorney General
Attorney for Petitioner

CaraLyn-Banks, Esq.
Attorney for Respondent