

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT**  
**FOR**  
**NOVEMBER 8, 2005**

This report is written to describe E&D Committee actions and trends. There were ten (10) Eligibility Requests, two (2) Petitioner Requests for Exception to a Previous Board Order, eleven (11) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, thirty-three (33) Disciplinary Agreed Orders, forty-two (42) Default Revocation Orders, zero (0) Default Suspension Order, zero (0) Motions for Rehearing, and zero (0) ALJ Proposal for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (10)**

**Approved with Stipulations (9):**

1. Female Petitioner charged on May 5, 1994, with the misdemeanor offense of Prostitution in the County Court at Law of Harris County, Texas. Petitioner entered a plea of guilty and was sentenced to sixty (60) days confinement. On May 5, 1994, Petitioner was charged with the misdemeanor offense of Public Lewdness in the County Court at Law of Harris County, Texas. Petitioner entered a plea of guilty and was sentenced to sixty (60) days confinement. On April 11, 1994, Petitioner was charged with the 1<sup>st</sup> degree felony offense of Delivery of Cocaine and the 2<sup>nd</sup> degree felony offense of Possession of Cocaine in Harris County, Texas. Petitioner entered a plea of guilty and proceedings were deferred without an adjudication of guilt and Petitioner was sentenced to ten (10) years probation. On May 17, 1996, Petitioner's deferred order was revoked and Petitioner was sentenced to with (8) years confinement. On April 2, 1998, Petitioner was released on parole and on April 23, 2004, Petitioner was discharged from parole.
2. Male Petitioner had a complaint filed against him in December 1998 where an indictment was presented on the charge of deadly conduct. On November 5, 1999, the indictment was dismissed. On June 15, 2002, Petitioner was convicted of the misdemeanor offense of Public Intoxication in Wichita Falls, Texas, and was assessed a fine. On October 24, 2002, Petitioner was convicted of the misdemeanor offense of Disorderly Conduct in Midland, Texas and assessed a fine. On February 24, 2004, Petitioner was charged with the misdemeanor offense of Obstructing a Highway in the County Court at Law of Archer County, Texas. Petitioner entered a plea of guilty and the proceedings were deferred without an adjudication of guilt and Petitioner was sentenced to one (1) year probation. On February 24, 2005, Petitioner was discharged from probation.
3. Female Petitioner charged September 22, 2000 of the misdemeanor offense of Injury to an Elderly Person Causing Bodily Injury in Woodville, Texas. On March 25, 2002, in

the County Court at Law of Tyler County, Texas, Petitioner was granted an Order of Early Release from probation. On August 31, 2003, Petitioner was arrested for the misdemeanor offense of Driving While Intoxicated in Woodville, Texas. On November 5, 2004, Petitioner was accepted into a Pre-Trial Diversion Program with the conviction deferred until November 5, 2005 where the charge was then dismissed after successful completion of the Program.

4. Female Applicant charged February 20, 1997 with the misdemeanor offense of Battery and resisting Arrest in the Superior Court of California, Riverside County. Applicant plead guilty and was sentenced to 36 months probation and assessed fines in the amount of \$210.00. Applicant was also ordered to comply with directives of Mental Health Department. On or about June 18, 1997, Applicant was arrested for Infliction of Corporal Injury upon Spouse in Riverside County, California. Applicant was in custody from June 1997 until April 1998. In April 1998, Applicant was sent to Patton State Hospital where she received treatment. On October 28, 1998, Applicant was released and was charged with the felony offense of Infliction of Corporal Injury upon Spouse in Riverside County, California. Applicant plead guilty and was placed on three (3) years probation. Applicant was also required to pay \$200.00 in restitution, enroll and complete a 52-week Battered Treatment Program. Applicant completed all court requirements.
5. Female Petitioner treated since September 2002 for Bipolar II Disorder. Petitioner's mood was erratic until January 2003, when she stabilized with the medication regimen of Lexapro, Wellbutrin and Trileptal.
6. Female Petitioner received deferred adjudication for the offense of Public Intoxication. In 2000, Petitioner was charged with Theft by Check in Williamson County, Texas and was ordered to pay restitution.
7. Female Petitioner charged on August 6, 1984 with the misdemeanor offense of Assault in the County Court at Law of Young County, Texas. Petitioner plead guilty and was sentenced to six (6) months probation and assessed a fine, court costs and restitution in the amount of \$155.00. On December 13, 1984, Petitioner was charged with the felony offense of Forgery by Passing in the Judicial District Court of Young County, Texas. Petitioner plead guilty and was sentenced to four (4) years probation. Petitioner was assessed a fine, restitution and court costs in the amount of \$917.00. On November 8, 1994, Petitioner was charged with the misdemeanor offense of theft in the County Court at Law of Fort Bend, County, Texas. Petitioner plead guilty and was sentenced to fifteen (15) days confinement. On September 22, 1995, Petitioner was charged with the misdemeanor offense of Theft of Services in the County Court at Law of Tarrant County, Texas. Petitioner plead guilty and was assessed a fine in the amount of \$135.00 and was sentenced to sixty (60) days confinement. On March 23, 2001, Petitioner was charged with the felony offense of Possession of Controlled Substance in the Judicial District Court of Young County, Texas. Petitioner plead guilty and was sentenced to three (3) years deferred adjudication and assessed a fine and court costs in the amount of \$1,337.00. Petitioner was granted on Order of Early Release from probation on September 1, 2002.

8. Female Petitioner was charged on November 23, 2004 with the felony offense of Forgery in the 291<sup>st</sup> Judicial District Court of Dallas, County, Texas. Proceedings were deferred without an adjudication of guilt and Petitioner was sentenced to two (2) years probation.
9. Female Petitioner being treated for Schizoaffective Disorder since 2001. Petitioner's current medication regimen and visits to her Psychiatrist have proven her stable and completely free of symptoms for several years.

**Denied (1):**

1. Female Petitioner charged on December 11, 1994 with the misdemeanor offense of Theft by Check in the County Court at Law of Potter County, Texas. Charges were dismissed after restitution was paid in full. On December 22, 1997, Petitioner was charged with the 2<sup>nd</sup> degree felony offenses of Possession of Controlled Substance and Possession of Controlled Substance by Fraud. On July 20, 1998, Petitioner was charged with the 1<sup>st</sup> degree felony offense of Possession of Cocaine with Intent to Deliver/Manufacture, in the 251<sup>st</sup> District Court of Potter County, Texas. On September 23, 1998, Petitioner entered a plea of guilty and was sentenced to fifteen (15) years confinement. Petitioner was released on parole on April 2, 2001 and will remain on parole until July 19, 2013.

**PETITIONER REQUESTS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (2):**

Both were removed from the agenda - did not attend.

**ELIGIBILITY AGREED ORDERS (11):** Approved.

**REINSTATEMENT AGREED ORDERS (2):** Approved.

**DISCIPLINARY AGREED ORDERS (33):** Approved.

**DEFAULT REVOCATION ORDERS (42):** Approved.

**DEFAULT SUSPENSION ORDER (0)**

**MOTIONS FOR REHEARING (0)**

**ALJ PROPOSAL FOR DECISION (0)**

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT  
FOR  
DECEMBER 13, 2005**

This report is written to describe E&D Committee actions and trends. There were ten (10) Eligibility Requests, two (2) Petitioner Requests for Exception to a Previous Board Order, twelve (12) Eligibility Agreed Orders, three (3) Reinstatement Agreed Orders, twenty-seven (27) Disciplinary Agreed Orders, nineteen (19) Default Revocation Orders, zero (0) Default Suspension Order, zero (0) Motions for Rehearing, and four (4) ALJ Proposal for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (10)**

**Approved with Stipulations (7):**

1. Female Petitioner being treated for bipolar affective disorder since February 17, 2004. Petitioner is stabilized with pharmacotherapy and is receiving weekly counseling. Petitioner's medication regime and weekly counseling sessions with a psychotherapist along with monthly visits with her psychiatrist have proven Petitioner to have symptomatically and psychometrically improvement and is very functional.
2. Petitioner appeared before the Eligibility and Disciplinary Committee on February 8, 2005, to determine her eligibility for licensure as a professional nurse in the State of Texas. The committee delayed making a final proposal concerning Petitioner's eligibility for licensure pending submission to an addictionologist evaluation. The evaluation suggested Petitioner get further evaluated. Petitioner did so and successfully completed an outpatient program.
3. Female Petitioner was charged on November 17, 1995 with the misdemeanor offense of Theft by Check in the County Court at Law No. 3 of Travis County, Texas. On April 25, 1997, Petitioner was granted an Order of Dismissal after restitution was paid in full and check writing class was completed. On or about October 10, 2000, Petitioner was charged with the misdemeanor offense of Driving Under the Influence of Liquor in the County Court at Law of Ulster County, New York. Petitioner was convicted and assessed a fine in the amount of three hundred dollars (\$300.00). On July 8, 2002, Petitioner was charged with the misdemeanor offense of Driving While Intoxicated in the County Court at Law No. 6 of Travis County, Texas. Petitioner entered a plea of nolo contendere and was sentenced to ten (10) days confinement and assessed a fine in the amount of four hundred dollars (\$400.00).
4. Female Petitioner was charged on March 24, 2003 with the misdemeanor offense of Theft By Check in the County Court at Law of Tom Green County, Texas. Petitioner plead guilty and was placed on deferred adjudication for nine (9) months. Petitioner was assessed a fine of \$255.00.

5. Male Petitioner was charged on July 10, 1997 for the misdemeanor offense of Driving While Intoxicated in Galveston, Texas. On December 18, 1997, in the County Court at Law No. 1 of Galveston County, Texas, the charge was dismissed due to a conviction in another case (PI). On December 17, 1997, Petitioner was convicted of the misdemeanor offense of Public Intoxication in the Justice of the Peace, Precinct 1 of Galveston County, Texas, and was assessed a fine and court costs in the amount of four hundred thirty-two dollars (\$432.00). On or about August 7, 1998, Petitioner was arrested for the misdemeanor offense of Public Intoxication in Galveston, Texas. On September 26, 2000, in the County Court at Law No. 1 of Galveston County, Texas, the charge was dismissed.
6. Female Petitioner was charged on July 16, 1992 with the 3<sup>rd</sup> degree felony offense of Unauthorized Use of a Motor Vehicle in the 370<sup>th</sup> District Court of Hidalgo County, Texas. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to five (5) years probation. On November 4, 2002, Petitioner was granted an order for termination of community supervision. On September 3, 1992, Petitioner was charged with the misdemeanor offense of Possession of Marijuana in the County Court at Law No. 4 of Hidalgo County, Texas. Petitioner entered a plea of guilty and was sentenced to one hundred eighty (180) days probation. On March 16, 2003, Petitioner was granted an order discharging her from misdemeanor probation. On June 18, 2001, Petitioner was charged with the state jail felony offense of Securing/Execution of Document by Deception in the 370<sup>th</sup> District Court of Hidalgo County, Texas. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to three (3) years community supervision. On July 18, 2002, Petitioner was granted an order of termination of community supervision.
7. Female Petitioner has been arrested for multiple charges of Prostitution from August 1, 1978 - September 10, 1987, resulting in a total of one hundred seventy-seven (177) arrests. Other arrests include, Theft on August 1, 1978; Attempted Crime Against Nature on November 14, 1978; Carrying a Concealed Weapon on January 10, 1979; Possession of Stolen Property, Carrying Prohibited, Possession of a Weapon and Possession of Marijuana on May 9, 1984; Loitering, Unlawful Use of a Controlled Substance on November 6, 1984; Escape on April 28, 1986; Assault with Intent to Cause Physical Injury and Resisting Arrest on May 22, 1986; Criminal Possession of a Controlled Substance on January 20, 1987; and Resisting Arrest and Obstructing Traffic on September 10, 1987. On September 21, 2004 and October 19, 2004, Petitioner was seen by Rion N. Hart, Ph.D., of Houston, Texas, to undergo a forensic psychological evaluation with a chemical dependency component and a polygraph examination. The results of the evaluation indicate that Petitioner would be able to consistently behave in accordance with the requirements of the rules of Texas Administrative Code and Petitioner would be able to consistently avoid behavior identified by the Board as constituting unprofessional conduct.

**Denied (2):**

1. Female Petitioner was charged on March 13, 2001 with the misdemeanor offense of Assault in the County Court at Law of Harris County, Texas. Petitioner entered a plea of

guilty and was assessed a fine in the amount of fifty dollars (\$50.00). On May 11, 2001, Petitioner was convicted of the misdemeanor offense of Harboring a Runaway Child in the County Court at Law of Harris County, Texas. Petitioner entered a plea of guilty and was sentenced to twenty (20) days confinement in the Harris County Jail.

2. Female Petitioner was charged on September 6, 1988 with the misdemeanor offense of Insufficient Funds Check in Grayson County, Texas. Charges were dismissed after restitution was paid in full . March 31, 1994 with the felony offense of Securing Execution of a Document by Deception, Cause # 94-CR-203-D, in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to five (5) years probation. On February 19, 1998, Petitioner's probation was revoked. On March 27, 1998, Petitioner was convicted of the state jail felony offense of Forgery of a Financial Instrument, Cause # 97-CR-1375-D, in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas. Petitioner entered a plea of guilty and was sentenced to two (2) years confinement followed by five (5) years probation. On June 30, 1997, Petitioner was arrested for the state jail felony offense of Theft of Stolen Property in La Feria, Texas. On February 2, 1998, Petitioner was arrested for the state jail felony offense of Forgery of a Financial Instrument in San Benito, Texas, with disposition held. On February 12, 1998, in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas, Petitioner was granted an Order of Dismissal to the reduced misdemeanor A offense of Theft (Aggregation). On August 4, 2000, Petitioner was charged with the 3<sup>rd</sup> degree felony offense of Theft, Cause # 00-CR-525-D, in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas. Petitioner entered a plea of guilty and was sentenced to five (5) years confinement in the Texas Department of Criminal Justice - Institutional Division, to run concurrent with Cause # 97-CR-1375-D. On October 15, 2000, Petitioner was arrested for the state jail felony offense of Forgery of a Financial Instrument in Harlingen, Texas. On January 24, 2001, the charge was rejected with no pre-trial. On December 13, 2000, Petitioner was charged with the state jail felony offense of Forgery, Cause # 00-CR-1094-D, in the 103<sup>rd</sup> Judicial District Court of Cameron County, Texas. Petitioner entered a plea of guilty and was sentenced to eighteen (18) months state jail confinement to run concurrent with Cause # 00-CR-525-D. On August 1, 2002, Petitioner was released to the Texas Department of Criminal Justice - Parole Division. On June 26, 2005, Petitioner was discharged from Parole.

**Continued (1):**

1. Female Petitioner is being treated for Bipolar Disorder since 2004. A letter was submitted to the Board by Petitioner from her treating physician, Manju Goyal, M.D., Bent Tree Psychiatric Associates, Dallas, Texas, for Bipolar Disorder. Dr. Goyal stated that Petitioner has been under her care since February 2004, and was diagnosed with Bipolar Disorder with psychotic and manic features and currently is under the medication regimen of Zyprexa 10 mg., at bedtime. Petitioner no longer sees Dr. Goyal. A letter dated January 12, 2005, was submitted by Petitioner from Luke R. Hinshaw, M.D., Abilene, Texas, stating that Petitioner is completely appropriate and healthy without any cognitive, affective, or emotional instabilities. Dr. Hinshaw makes no notation regarding Petitioner's diagnosis. An additional letter dated November 17, 2005, was submitted to the Board from Luke R. Hinshaw, MD, PA, Abilene, Texas, stating that Petitioner is

being treated for Diabetes, Hypertension and Hyperlipidemia and is currently taking Zyprexa, 10 mg qd, Zocor, 40 mg qhs, Glucotrol, 5 mg, bid, Benicar, 20 mg, and Pepcid. Dr. Hinshaw further states that Petitioner's compliance is excellent and her prognosis of very good, however, Dr. Hinshaw's speciality is Internal Medicine and not Psychiatric. Petitioner was advised by the committee that she undergo a complete psychological evaluation by a Board approved doctor and present the results upon completion for further consideration.

**PETITIONER REQUESTS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (2):**

One (1) Approved. One (1) Denied.

**ELIGIBILITY AGREED ORDERS (12):** Approved.

**REINSTATEMENT AGREED ORDERS (3):** Approved.

**DISCIPLINARY AGREED ORDERS (27):** Approved.

**DEFAULT REVOCATION ORDERS (19):** Approved.

**DEFAULT SUSPENSION ORDER (0)**

**MOTIONS FOR REHEARING (0)**

**ALJ PROPOSAL FOR DECISION (4):** Approved.