

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT**  
**FOR**  
**MAY 9, 2006**

This report is written to describe E&D Committee actions and trends. There were twelve (12) Eligibility Requests, two (2) Petitioners Requests for Exception to a Previous Board Order, fourteen (14) Eligibility Agreed Orders, four (4) Reinstatement Agreed Orders, sixteen (16) Disciplinary Agreed Orders, twenty-seven (27) Default Revocation Orders, one (1) Motion for Rehearing, and two (2) ALJ Proposals for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (12)**

**Approved with Stipulations (11):**

1. Female Petitioner diagnosed on August 19, 2004 with Major Depressive Disorder with psychotic features in the past and social anxiety. Petitioner was last seen on January 16, 2006, for medication management. Treating Psychiatrist states that Petitioner's current diagnosis is history of major depressive disorder with psychotic features - currently in prolonged remission and social anxiety - improved. Petitioner is currently taking Abilify 30mg daily, Wellbutrin 150mg daily, Topamax 100mg daily and Ambien 10mg at night as needed. Petitioner has been well compliant and has demonstrated continuous clinical improvement with base line stability.
  
2. Female Petitioner was charged on December 12, 1980 with the misdemeanor offense of Contribute to Neglect of a Child in the Circuit Court, Milwaukee County, State of Wisconsin. Petitioner plead guilty and was sentenced to two (2) years probation. Petitioner was assessed court costs and cooperate with all counseling. On December 12, 1982, Petitioner was discharged from probation. The criminal complaint discloses that Petitioner was initially charged with the felony Class E offense of Concealing the Death of a Child. On August 6, 1980, Petitioner presented to St. Joseph's Hospital Emergency Room and routine tests disclosed that Petitioner was two or three days post-partum. Petitioner denied having been pregnant or delivering a child. Petitioner later stated that two or three days prior to entering St. Joseph's Hospital, she delivered a full term baby who was not moving and she placed the child's body in a plastic garbage bag and placed it in the garbage can at the rear of the residence where she had given birth. On October 20, 2005, Petitioner presented to Matthew L. Ferrara, Ph.D., Clinical and Forensic Psychology, Austin, Texas, to undergo evaluation. The results of the evaluation indicate that Petitioner has not provided the examiner or the Board with sufficient information to evaluate whether she could conform her behavior to the Nursing Practice Act, Board rules and regulations, and generally accepted standards of nursing practice. It is the opinion of the evaluator that Petitioner not be considered for licensure as a nurse in the State of Texas.

3. Female Petitioner was diagnosed on August 23, 2004 with Bipolar II Disorder, w/ Depression. A letter dated September 16, 2005, was submitted to the Board on behalf of Petitioner by R.E. Liverman, D.O., Bipolmate American Board Psychiatry and Neurology, Arlington, Texas, stating that Petitioner was seen in his office on June 9, 2004, June 21, 2004, July 7, 2004, and Petitioner was given a medication regimen of Lamictal 150 mg daily. At the time of Petitioner's last session with Dr. Liverman on August 23, 2004, Petitioner's prognosis was good. A letter dated June 6, 2005, was submitted to the Board on behalf of Petitioner by Raymond R. Westbrook, D.O., Arlington Medical Clinic, P.A., stating that Petitioner has been his patient since May 2004, for Bipolar Disorder. Petitioner sees Dr. Westbrook only for medication management.
4. Male Applicant enrolled in treatment at Cornerstone of Southern California, Tustin, California on June 7, 2004 for inpatient treatment. After successful completion of a thirty (30) day program he transferred into a sixty (60) day monitored residential program, which he successfully completed on September 5, 2004. After completion of the residential program Applicant enrolled in a continuing care program, of which as of August 8, 2005, he was still attending. On June 13, 2005, Applicant signed a contract with the State of California Board of Registered Nursing Diversion Program. Applicant states that he has a Narcotics Anonymous sponsor and is currently working the steps under his supervision. With permission from the California Diversion Program he became employed at a nurse advice call center, where he offers telephone advice to patients in seven (7) states telephonically.
5. Female Petitioner was charged with the state jail felony offense of Forgery on October 8, 1996. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to three (3) years probation. On October 14, 1999, Petitioner was discharged from probation. Petitioner stated that she received deferred adjudication for forgery for forging a check for one hundred (\$100.00) dollars. Petitioner states she was nineteen (19) years old and going through what she thought was a difficult time in her life. Petitioner was pregnant with her second child. At the time Petitioner states she was working, but her Mother was keeping all of her money and at the time felt she had no other choice but to steal.
6. Male Petitioner was charged with the felony offense of Burglary of a Building in on January 8, 2003. Petitioner entered a plea of guilty and was granted entry into the Pre-Trial Diversion Program. Petitioner completed Pre-Trial Diversion on January 5, 2005. On November 15, 2005, Petitioner was seen by Dr. Timothy J. Proctor to undergo a forensic psychological evaluation and polygraph examination. Petitioner's DSM-4 axis one shows that Petitioner has previously met criteria for Cannabis abuse, but this is now in full remission with his last use occurring over one year ago. Petitioner's report of his drug use and criminal history were investigated by a polygraph examination that revealed "No Deception Indicated". Dr. Proctor states no other psychological diagnoses are warranted at this time. Dr. Proctor states that it is likely that Petitioner will be able to consistently behave in accordance with the requirements of the Board, as well as the minimum standards set by the Board's Rules. Dr. Proctor does recommend however that random urine drug screening be conducted with regularity.

7. Female Petitioner is currently treated by Lorraine A. Sommerfeldt, M.D. for Bipolar Disorder, Panic Disorder and possible Attention Deficient & Hyperactivity Disorder A. Petitioner concurrently carries the diagnosis of Polysubstance Abuse in remission that has lasted 10 years. Petitioner's medications are Lexapro 20 mg qhs; Lamictal 25 mg qhs; Klonopin 1 mg tid; Xanax 0.5mg q4hrs prn for breakthrough anxiety; and Ambien 10mg qhs prn sleep. Prognosis for Petitioner is excellent should she continue her medications and outpatient treatment which consists of psychotherapy. Petitioner is emotionally stable on her current medications. Petitioner will need to continue on medications and consider her illness as a chronic one.
8. Female Petitioner was charged with the felony offense of Burglary of Habitation on August 31, 2001. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to four (4) years probation . Petitioner states she was married in 1985 at the age of eighteen (18) and over the course of her marriage her husband began to systematically abuse her emotionally and verbally. In October 2000, Petitioner learned that she was pregnant and her husband admitted to being involved in a long-term relationship with another woman. Before realizing what she was doing she found herself at the other woman's house asking her to open the door and provide her with answers which lead to her breaking the woman's window. On April 23, 2004, Petitioner was discharged from probation.
9. Male Petitioner was charged on March 18, 1992 with the offense of Murder-1st Degree Conspiracy and on June 5, 1992, the charged was amended to the misdemeanor offense of Assault 3rd Degree-Injury in the State of Missouri. Petitioner was placed on suspended imposition of sentence for two (2) years. The events which led to his arrest focused around his sister shooting their father. Petitioner denies any part of a conspiracy but does not deny that the family wished the father dead as he was a violent and abusive man. On the date in question, the father came into the room as they were discussing their plight and a fight ensued which resulted in the father being shot in the arm by Petitioner's sister. Petitioner did not initially reveal this charge to the Board and indicated he believed he was exonerated when in fact he was on probation.
10. Female Petitioner was charged on April 24, 1991 with the misdemeanor offense of Theft by Check. Petitioner entered a plea of nolo contendere and was sentenced to one (1) year probation. Petitioner had insufficient funds in her bank account and was arraigned for theft by check. On October 7, 1999, Petitioner was charged with the felony offense of Tampering with Government Records. Petitioner entered a plea of guilty and was sentenced to five (5) years probation. Petitioner states when her first child was born her husband and she were separated, so when she went to the Department of Human Services to apply for aid she did not include him on her application. Petitioner received food stamps and TANF for about four (4) months before her husband and she worked things out and he moved back in. Petitioner failed to report her change in status within the required ten (10) days. Petitioner was placed on five (5) years deferred probation. On February 18, 2003, Petitioner was discharged from probation.

11. Female Petitioner was convicted on April 25, 1991 for the misdemeanor offense of Theft and ordered to make restitution. On July 20, 1992, Applicant was convicted of two counts of the misdemeanor offense of Theft by Check and ordered to make restitution. On September 19, 1997, Applicant was convicted of two counts of the misdemeanor offense of Theft by Check and ordered to make restitution. On January 31, 2000, Applicant was convicted of the misdemeanor offense of Possession of a Controlled Substance with findings continued without prejudice for six (6) months. On June 20, 2000, Applicant was convicted of the misdemeanor offense of Operating a Motor Vehicle Under the Influence of Liquor. Proceedings were deferred and Applicant was granted entry into the First Offender's Program. On August 10, 2001, the charge was dismissed.

**Continued (1):**

1. Male Petitioner On April 22, 1990, Petitioner was charged with the misdemeanor offense of Driving While Intoxicated. On August 13, 1990, Petitioner entered a plea guilty and was sentenced to two (2) years probation. On June 25, 1993, Petitioner's probation was revoked and he was sentenced to confinement for a period of forty-five (45) days. On April 30, 1991, Petitioner was charged with the misdemeanor offense of Theft by Check. On February 17, 1993, the cause was dismissed - restitution was been made. On September 25, 1992, Petitioner was charged with the misdemeanor offense of Driving While Intoxicated. On June 25, 1993, Petitioner entered a plea of guilty and was sentenced to confinement for a period of thirty (30) days. On January 14, 1994, Petitioner was charged with the felony offense of Driving While Intoxicated. Petitioner entered a plea of guilty and was sentenced to 30 days confinement. On March 18, 1994, Petitioner was charged with the misdemeanor Class A offense of Assault. Petitioner entered a plea of guilty and was sentenced to 10 days confinement. On May 16, 1997, Petitioner was charged with the misdemeanor Class A offense of Driving While Intoxicated. Petitioner entered a plea of guilty and was sentenced to forty-five (45) days confinement. On August 29, 1979, Petitioner was arrested on the charge of Illegal Possession of Hypo Syringe Needles. On October 20, 1986, Petitioner was arrested for the offense of Violation of Court Order, with the case not filed. On August 3, 1989, Petitioner was arrested on the charge of Contempt of Court, which was dismissed on September 25, 1989. Petitioner was licensed as a Vocational Nurse on May 11, 1999, (LVN #171844). On March 3, 1999, Petitioner was issued an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas, placing his vocational nursing license on probation for eighteen (18) months. On November 22, 2000, Petitioner successfully completed his term of probation as stipulated by the BVNE.

**Denied (0):**

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

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

**ELIGIBILITY AGREED ORDERS (14):** Approved.

**REINSTATEMENT AGREED ORDERS (4):** Approved.

**DISCIPLINARY AGREED ORDERS (16):** Approved.

**DEFAULT REVOCATION ORDERS (27):** Approved.

**DEFAULT SUSPENSION ORDERS (0)**

**MOTIONS FOR REHEARING (1):** Approved

**ALJ PROPOSAL FOR DECISION (2):** Approved.

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT**  
**FOR**  
**JUNE 13, 2006**

This report is written to describe E&D Committee actions and trends. There were eight (8) Eligibility Requests, two (2) Petitioners Requests for Exception to a Previous Board Order, sixteen (16) Eligibility Agreed Orders, four (4) Reinstatement Agreed Orders, forty-five (45) Disciplinary Agreed Orders, thirty-three (33) Default Revocation Orders, one (1) Motion for Rehearing, and one (1) ALJ Proposal for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (8)**

**Approved with Stipulations (8):**

1. Female Petitioner was charged on October 19, 2004 with the misdemeanor offenses of Driving While Intoxicated, Unlawful Possession of Prescription Medication (specifically Klonopin), and Possession of Marijuana in the County Court of Dallas County, Texas. On April 19, 2006, Petitioner received 12 months deferred adjudication for possession of marijuana, 24 months regular probation for the DWI and the possession of a controlled substance was dismissed due to the Petitioner producing a valid prescription for Klonopin.
2. Female Petitioner was diagnosed on August 31, 2005 by Jesse Singh, M.D., Abilene Psychiatric Associates, Abilene, Texas, with Bipolar Type II Disorder with a current episode of Depression. Dr. Singh stated that Petitioner had been under treatment for years for depression with partial response with the medication of Paxil CR, Prozac and Zoloft. Dr. Singh made his diagnosis of Bipolar Disorder due to Petitioner's clinical past history and a family history of Bipolar Disorder. Petitioner was placed on Symbiyax 6/50 mg 1 at night with marked stabilization improvement in her moods. Petitioner is currently being seen on a monthly outpatient basis. This treatment plan will continue for one (1) year followed by outpatient sessions every other month. Petitioner's current prognosis is stable and Dr. Singh believes that Petitioner can function as a registered nurse.
3. Female Petitioner was charged on December 21, 2004 with the misdemeanor Class A offense of Theft >\$500 <\$1500. Petitioner plead guilty and proceedings were deferred without adjudication of guilt. Petitioner was placed on two (2) years community supervision and assessed a fine and court costs in the amount of \$511.00. Petitioner was required to perform 80 hours of community service and to pay restitution in the amount of \$1300. Petitioner's offense of theft occurred when Petitioner initially applied for food stamps assistance while working two jobs and somewhere during the interim period she began part time substitute employment at another job and did not notify the state of this additional income. Petitioner's affidavit dated July 1, 2005, states that she has paid her court costs and restitution, completed community service, and is current with all probation fees. Petitioner's probation will expired

in December 2006.

4. Female Petitioner was charged on July 19, 2003, Petitioner with the misdemeanor offense of Criminal Mischief/Damage to Property in the Shreveport City Court of Shreveport, Louisiana. The District Attorney did not prosecute because Petitioner made repairs and restitution for the damage. On May 18, 2005, Petitioner was charged with the misdemeanor offense of Simple Battery in the District Court, Parish of Bossier, Benton, Louisiana. Petitioner was required to complete an Anger Management course and pay court costs. On July 22, 2005, Petitioner completed the Anger Management and Domestic Violence workshops.
5. Female Applicant was arrested on June 12, 1992 for the misdemeanor offenses of Making False Declaration of Ownership to Pawnbroker and Concealing Stolen Property in Oklahoma City, Oklahoma. On October 8, 1992 the charges were dismissed. On October 29, 1992, Applicant was charged with the 1<sup>st</sup> degree Felony Offense of Burglary of a Habitation. Applicant entered a plea of guilty and was sentenced to ten (10) years confinement in the Texas Department of Criminal Justice - Institutional Division and assessed a fine in the amount of seven hundred fifty dollars (\$750.00). The imposition of the sentence was suspended and Applicant was placed on probation for a period of five (5) years and assessed the fine of seven hundred fifty dollars (\$750.00). Applicant was discharged from probation on October 28, 1997.
6. Female Petitioner was arrested on July 27, 2003 for the state jail felony offense of Possession of Cocaine in Saint Louis, Missouri. On March 24, 2004, Petitioner was granted a motion of Dismissal due to insufficient evidence. On August 26, 2003, Petitioner was convicted of the state jail felony offense of Possession of Cocaine in Dayton, Texas. Petitioner's probation for her offense on March 2, 2000, was revoked and Petitioner was sentenced to one hundred eighty (180) days confinement. On February 20, 2003, Petitioner was issued an Order of Conditional Eligibility, by the Board of Nurse Examiners for the State of Texas, placing her initial license on probation for eighteen (18) months.
7. Female Petitioner was charged on February 4, 2002 with the misdemeanor offense of Failure to Identify. Petitioner entered a plea of guilty and was sentenced to two (2) days confinement and assessed a fine in the amount of two hundred dollars (\$200.00). On March 3, 2003, Petitioner was charged with the misdemeanor offense of Driving While License Suspended. Petitioner entered a plea of guilty and was sentenced to forty-five (45) days confinement with eleven (11) days credit for time served. On March 3, 2003, Petitioner was charged with the misdemeanor offense of Driving While License Suspended. Petitioner entered a plea of guilty and was sentenced to forty-five (45) days confinement with six (6) days credit for time served. On August 25, 2003, Petitioner was charged with the misdemeanor offense of Driving While Intoxicated. Petitioner entered a plea of guilty and was sentenced to thirteen (13) days confinement with one (1) day credit for time served. On April 6, 2002, Petitioner was arrested for the misdemeanor offense of Driving While License Suspended. On August 25, 2003 the case was dismissed due to a conviction in another case. On August 25, 2003, Petitioner was charged with the misdemeanor offense of Resisting Arrest Search or Transport. Petitioner entered a plea of guilty and was sentenced to one (1) day confinement and assessed a fine in the amount of three hundred dollars (\$300.00). On April 6, 2002, Petitioner was arrested for the misdemeanor offense of Failure to Identify as

Witness. On August 25, 2003 the case was dismissed due to a conviction in a previous DWLS case. On March 29, 2005, Petitioner was charged with the misdemeanor offense of Driving While License Invalid - 2<sup>nd</sup> offense. Petitioner entered a plea of guilty and was assessed a fine and court costs in the amount of four hundred eleven dollars (\$411.00). On August 9, 1995, Petitioner was arrested for the misdemeanor offense of Assault Causing Bodily Injury in Greenville, Texas. On September 25, 1996, prosecutor rejected the charge without Pretrial Diversion. On April 6, 2002, Petitioner was arrested for the misdemeanor offense of Endangering a Child by the Greenville Police Department. On May 25, 2004, the case was dismissed by the District Attorney with no charges filed.

8. Female Petitioner was arrested on November 5, 1996 on twelve (12) counts of Embezzlement by the Roswell, New Mexico Police Department. Petitioner admitted to the Beall's store manager that she and two (2) other employees had taken part in fraudulent activity. On July 14, 1997, Petitioner entered a plea of no contest to the felony charges of count 1, Embezzlement Over \$250.00; count 2, Fraud Over \$250.00; count 3, Fraud Over \$250.00; and count 4, Fraud Over \$250.00. On August 4, 1997, proceedings were deferred without adjudication of guilt and Petitioner was sentenced to three (3) years probation and ordered to pay restitution. On February 23, 1999, Petitioner received an early discharge from probation and the case was dismissed. On June 15, 2000, Petitioner was arrested for the misdemeanor offense of Battery in Roswell, New Mexico. No charges were filed..

**Continued (0):**

**Denied (0):**

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

One (1) Continued. One (1) Denied.

**ELIGIBILITY AGREED ORDERS (16):** Approved.

**REINSTATEMENT AGREED ORDERS (4):** Approved.

**DISCIPLINARY AGREED ORDERS (45):** Approved.

**DEFAULT REVOCATION ORDERS (33):** Approved.

**DEFAULT SUSPENSION ORDERS (0)**

**MOTIONS FOR REHEARING (1):** Approved

**ALJ PROPOSAL FOR DECISION (1):** Approved.