

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
February 12, 2008

This report is written to describe E&D Committee actions and trends. There were eight (8) Eligibility Requests, three (3) Petitioners for Exception to a Previous Board Order, six (6) Eligibility Agreed Orders, one (1) Reinstatement Agreed Orders, forty-six (46) Disciplinary Agreed Orders, eighteen (18) Default Revocation Orders, and two (2) Motions for Rehearing.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (8)

Approved with Stipulations (3):

1. Female Petitioner charged w/state jail felony of Unauthorized Use of a Vehicle; entered a guilty plea and was deferred without adjudication of guilt; placed on two (2) years community supervision; completed community supervision on Sept. 21, 2007. A letter from The Right Step, Pasadena, TX, states that Petitioner attended and completed intensive/outpatient treatment, as well as after care requirements. Petitioner supplied Alcoholics Anonymous attendance records.
2. Female Petitioner charged December 27, 2002, w/the third degree felony offense of Possession of a Controlled Substance - Methamphetamine; entered a plea of guilty and proceedings were deferred without adjudication of guilt; placed on five (5) years probation; granted early termination from probation May 18,2006.
3. Female Applicant arrested November 16, 2004, for the misdemeanor offense of Aggravated Stalking; February 15, 2006, Applicant was charged with the misdemeanor offense of Violation of a Family Violence Order. Applicant entered a plea of guilty and was sentenced to twelve (12) months confinement with sentence suspended and served twelve (12) months probation and was assessed a fine in the amount of \$500.

Continued (2):

1. Female Petitioner charged Nov. 5, 1996, w/felony offenses of Uttering Counterfeit Notes, Grand Theft, Possession of Counterfeit Notes, and misdemeanor offense of Possession of Cannabis; entered plea of nolo contendere; sentenced to five (5) years probation with two (2) years driver's license suspension and six (6) days confinement. Charged Feb. 1, 2006, with misdemeanor Public Lewdness, entered guilty plea and was deferred without adjudication of guilt and placed on twelve (12) months community supervision; community supervision completed Feb. 27, 2007.

2. Female Petitioner charged January 10, 2001, w/misdemeanor offense of Prostitution; entered a plea of nolo contendere and was sentenced to ninety (90) days confinement in County Jail and assessed a fine in the amount of \$300. On January 10, 2001, charged w/the misdemeanor offense of Prostitution; entered a plea of nolo contendere and was sentenced to ninety (90) days confinement; assessed a fine in the amount of \$300. On October 22, 2001, charged w/the misdemeanor offense of Prostitution; entered a plea of guilty and was sentenced to 360 days confinement which was probated to twenty (20) months community supervision. On March 9, 2004, completed community supervision. On October 6, 2004, charged w/ the state jail felony offense of Possession of a Controlled Substance; entered a plea of guilty and proceedings were deferred without adjudication of guilt; placed on three (3) years probation.

Denied (3):

1. Female Petitioner arrested April 5, 1993, for Importing Defense Articles; sentenced to two (2) years probation. Arrested Nov. 28, 1992, for 3rd degree felony of Hindering Secured Creditors; charged w/Hindering the Possession of a Personal Vehicle due to lack of insurance and spent one (1) day in jail. Charged May 23, 1994, w/offense of Conspiracy; sentenced to six (6) months confinement. Probation was revoked for the charges on April 5, 1993, and May 23, 1994, and was sentenced to one (1) year and one (1) day in the Federal Prison Camp, followed by three (3) years supervised release. Petitioner saw forensic psychologist on Sept. 7, 2007, for evaluation to include chemical dependency component and polygraph. Evaluator strongly recommends Petitioner participate in a long-term course of individual psychotherapy addressing profound dependency needs, low self-esteem, lack of assertiveness, as well as the emotional consequences of exploitation since childhood and recapitulated to the present day. Evaluator feels that from a mental health perspective, findings of evaluation cannot support Petitioner's present capacity to conduct herself in accordance with the requirements of the Rules.
2. Male Petitioner charged Sept. 14, 2000, w/misdemeanor Driving Under the Influence; entered plea of guilty and proceedings were deferred without adjudication of guilt; placed on two (2) years probation. Charged March 26, 2001, w/misdemeanor Driving While Under the Influence; entered guilty plea, proceedings were deferred without adjudication of guilt and was placed on four (4) years probation. Charged May 5, 2003, w/misdemeanor offense of Interfering with Emergency 911 Call; entered plea of no contest and was deferred without adjudication of guilt; placed on two (2) years probation. Issued a citation on March 7, 2004, for misdemeanor Public Intoxication and assessed a fine. Petitioner underwent a forensic psychological evaluation, including chemical dependency component and polygraph. Results showed a significant alcohol abuse problem and high probability of substance disorder.
3. Female Applicant for renewal submitted a letter dated September 7, 2007, from psychiatrist that states that he has been treating Applicant for Bipolar Disorder w/mixed symptoms since 2002. As a result of Applicant's difficulties, she voluntarily placed her license on inactive status. She is currently on a medication for severe anxiety. Physician states Applicant has been compliant with her treatment; condition stabilized in late 2005. Applicant recently referred for a neuropsychological evaluation to assess her fitness for duty; report found

evidence of impairment that would preclude Applicant from working at the pace required to function on a general medical/surgical ward. Dr. Molina concludes that with the Applicant's degree of stability, it would be safe for her to return to work in a home health care setting in which she is responsible for delivering care to one client at a time.

ELIGIBILITY AGREED ORDERS (6): Approved.

MOTIONS FOR REHEARING (2): Approved.

PETITIONER FOR EXCEPTION TO PREVIOUS BOARD ORDER (3):
one (1) Denied, two (2) Approved.

REINSTATEMENT AGREED ORDERS (1): Approved.

DISCIPLINARY AGREED ORDERS (46): Approved.

DEFAULT REVOCATION ORDERS (18): Approved.

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
March 18, 2008

This report is written to describe E&D Committee actions and trends. There were eight (8) Eligibility Requests, two (2) Motions for Rehearing, eight (8) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, thirty-nine (39) Disciplinary Agreed Orders, twenty-five (25) Default Revocation Orders, and three (3) ALJ Proposal for Decisions.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (8)

Approved with Stipulations (6):

1. Male Petitioner charged w/the misdemeanor offense of Possession of Marijuana on Feb. 12, 1989; sentenced to 30 days confinement, which was probated to 180 days probation. Petitioner was charged on April 17, 1989, w/misdemeanor offense of Driving a Motor Vehicle While Intoxicated in a Public Place; entered a guilty plea and was sentenced to 30 days confinement, which was probated to two (2) years probation. On Jan. 18, 1990, Petitioner was charged w/ misdemeanor offense of Possession of Marijuana; entered a plea of guilty and was sentenced to 45 days confinement, which was probated to 180 days probation. On June 1, 1990, Petitioner was charged w/the misdemeanor offense of Resisting Arrest; entered a plea of guilty and was sentenced to 45 days confinement which was probated to one (1) year probation. On May 9, 1995, Petitioner was charged w/the misdemeanor offense of Driving While Intoxicated; entered a guilty plea and was sentenced to 90 days confinement which was probated to two (2) years probation. On Feb. 28, 1996, Petitioner was charged w/the misdemeanor offense of Driving While License Suspended; entered a plea of guilty and was sentenced to 15 days confinement which was probated to 90 days probation. On Nov. 12, 1998, Petitioner was charged w/the misdemeanor offense of Driving While Intoxicated; entered plea of guilty and was sentenced to one (1) year probation.

2. Female Petitioner submitted evaluation report dated Sept. 2, 2004, which history included alcohol use that began at age 15, followed by crystal meth and cocaine use at 16 years of age, marijuana at 17 years. Petitioner was hospitalized for acute intoxication and poisoning with Jimson Weed in which she developed a comatose state; one (1) psychiatric hospitalization for self-mutilation and aggression; two (2) admissions to group homes. Petitioner underwent a forensic psych evaluation w/chemical dependency component and polygraph exam. It is evaluator's professional opinion that Petitioner merits an opportunity to practice the nursing arts unencumbered.

3. Female Applicant arrested for misdemeanor offense of Child Desertion on May 24, 2002; charge dismissed on December 10, 2002. Applicant was arrested for misdemeanor offense of Child Desertion on Sept. 16, 2003; charge was dismissed on Nov. 5, 2003. Applicant was arrested for the misdemeanor offenses of Contributing to the Delinquency of Juveniles, Man/Deliver/Possess a Schedule I Controlled Substance; charges refused Oct. 14, 2003. Applicant underwent a court ordered mental health examination and was diagnosed with Bipolar I, Mania w/Psychosis on April 11, 2006. On June 27, 2007, Applicant underwent a psychiatric evaluation by Child and Family Guidance Center. Applicant developed psychotic symptoms after being evacuated from the convention center after Hurricane Katrina. Symptoms of Bipolar Disorder started in August 2005.
4. Female Applicant. Physician submitted letter to the Board on behalf of Applicant states that Applicant has been under his care since Jan. 25, 2007, for the diagnosis of Bipolar I Disorder and a history of substance abuse. Physician further states that he is not convinced that Bipolar Disorder is the appropriate diagnosis; believes that Applicant suffers from chronic depression w/the diagnosis likely being Depressive Disorder Otherwise Specified.
5. Male Petitioner charged on June 20, 1996, w/3rd degree felony offense of Possession of Marijuana; entered guilty plea and proceedings were deferred without adjudication of guilt and was sentenced to 2 years probation. Discharged from probation July 16, 1999. Attended substance abuse outpatient group counseling. Prognosis was positive at the time of discharge in Sept. 2006. Discharge plan involved attendance in AA meetings. After 6 months of treatment, Petitioner completed the program successfully and evaluator felt he should be given the opportunity to proceed with his examination for licensure.
6. Female Petitioner charged w/3rd degree felony offense of Tampering w/Physical Evidence; entered a plea of nolo contendere and was deferred without adjudication of guilt; placed on 2 years probation; granted a dismissal on April 30, 2007.

DENIED (2):

1. Female Petitioner charged with misdemeanor offense of Driving While Intoxicated. Petitioner entered a guilty plea and was sentenced to 180 days confinement, which was probated to 18 months probation. Charged w/misdemeanor offense of Driving while License Invalid; entered plea of guilty and was sentenced to 3 days confinement. Charged June 6, 2000, w/misdemeanor offense of Driving While Intoxicated; entered a plea of nolo contendere and was sentenced to 60 days confinement, which was probated to 6 months probation. Charged September 1, 2005, with 3rd degree felony offense of Driving While Intoxicated; entered a plea of guilty and was sentenced to 5 years confinement, which was probated to 5 years probation. Arrested for 3rd degree felony offense of Driving While Intoxicated - 3rd or more offense; plead nolo contendere to reduced Class A misdemeanor and was sentenced to one (1) year of confinement, which was probated to 2 years community supervision.
2. Male Petitioner charged Sept. 28, 2001, w/misdemeanor offense of Driving While

Intoxicated; entered plea of guilty and was sentenced to 8 months probation. Jan. 14, 1994, Criminal Trespass (class B misdemeanor), case closed May 23, 1994. Feb. 24, 1994, Criminal Mischief (class B Misdemeanor), case closed May 23, 1994. April 17, 1995, Criminal Mischief (class B Misdemeanor), case closed March 28, 1996. December 7, 1996, Possession of Marijuana (class B misdemeanor), case closed Feb. 7, 1997. Sept. 9, 1997, Possession of a Cont. Substance (state jail felony) - 6 months deferred probation w/case closed on Sept. 21, 1998. Psychological evaluation performed on Sept. 10, 2007; results indicated substance dependence specific to illicit drugs and possible alcohol dependence as well.

MOTIONS FOR REHEARING (2): Approved.

ELIGIBILITY AGREED ORDERS (8): Approved.

REINSTATEMENT AGREED ORDERS (2): Approved.

DISCIPLINARY AGREED ORDERS (39): Approved.

DEFAULT REVOCATION ORDERS (25): Approved.

ALJ PROPOSAL FOR DECISION (3): Approved.