

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
November 8, 2016, AND December 13, 2016**

The Eligibility and Disciplinary Committee (Committee) convened on November 8, 2016 and December 13, 2016. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered four (4) petitions for licensure:

1. Petitioner filed an application for licensure as an Advanced Practice Registered Nurse and disclosed the offense of DISORDERLY CONDUCT, committed on or about December 10, 1998, in Flathead County. On or about December 11, 1998, Petitioner pled guilty to DISORDERLY CONDUCT, and as a result of the conviction, Petitioner was sentenced to confinement for a period of two (2) days, and ordered to pay a fine.

In addition, the Petitioner disclosed the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on or about February 15, 2001, in Austin, Texas. Petitioner was subsequently charged for DRIVING WHILE INTOXICATED, and on or about March 7, 2002, the Petitioner entered into deferred adjudication and the charge was dismissed in the County Court at Law Court No. 6, Travis County, Texas.

Further, Petitioner disclosed inpatient treatment for substance abuse from on or about February 12, 2008 through March 13, 2008. Petitioner also attended an outpatient program beginning on March 26, 2008 and successfully completed the program on May 21, 2008. Petitioner also disclosed a mental health diagnosis. Reports from treating psychiatrists indicated that Petitioner was compliant with treatment.

Petitioner appeared in person with his attorney. The Committee voted to **approve** the petition for an unencumbered license.

2. Petitioner filed an application for licensure by exam and disclosed the offense THEFT BY CHECK \$20-\$500, a Class B misdemeanor offense, committed on November 22, 2006, in Ellis County, Texas. On or about April 9, 2007, Petitioner entered a plea of Nolo Contendere in the County Court at Law No. 2, Ellis County, Texas. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on

¹ This report should be reviewed in order to keep apprised of issues and decisions so that the Board may remain consistent with precedent.

probation for a period of one hundred eighty (180) days, and ordered to pay a fine and court costs. On or about December 16, 2008, Petitioner was discharged from probation.

In addition, Petitioner disclosed the offense of THEFT PROP 50-500, a Class B misdemeanor offense, committed on April 9, 2008, Tarrant County, Texas. Petitioner entered a plea of Guilty to THEFT PROP 50-500, a Class B misdemeanor offense, in the County Criminal Court No. 8, Tarrant County, Texas. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of nine (9) months, and ordered to pay a fine and court costs. On or about May 26, 2010, Petitioner was discharged from probation.

Further, on or about October 25, 2012, Petitioner entered a plea of Guilty to SECURING EXECUTION OF DOCUMENT BY DECEPTION, a State Jail felony offense, committed on April 8, 2008, in the 40th Judicial District Court, Ellis County. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of five (5) years, and ordered to pay restitution in the amount of three thousand sixty dollars (\$3,060.00), along with court costs. On or about December 28, 2015, Petitioner was discharged early from probation.

On May 31, 2016, Petitioner underwent a forensic psychological evaluation. The evaluator stated there does not appear to be any significant history or facts or data that would support the presence of either an alcohol or illicit/illegal drug usage or dependence within Petitioner. The evaluator proposed that Petitioner is capable of conforming to the standard of behavior as defined by her community, her employers, and the potential individuals who may be placed under her care as a health provider. The evaluator does not believe Petitioner possesses an emotional disorder, and that Petitioner possesses the potential to be a successful provider of nursing care to individuals under her charge.

Petitioner provided several letters of support.

Petitioner appeared in person with her attorney. The Committee voted to **approve** the petition with the following stipulations: NCSBN course Critical Thinking; Nursing Jurisprudence and Ethics; notify present/future employers of the board order; submit notification of employment; incident reporting; and provide employer reports for a period of one year.

3. Petitioner filed a petition for declaratory order based on the offense of RESIST ARREST, SEARCH OR TRANSPORT, a Class A misdemeanor offense, committed on or about May 10, 2001, in Houston, Texas. On or about June 5, 2001, Petitioner entered a plea of Guilty to RESIST ARREST, SEARCH OR TRANSPORT, a Class A misdemeanor offense, committed on May 10, 2001, in the 315th District Court of Harris County, Texas. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation through the Juvenile Probation

Department for a period of twelve (12) months. On or about July 3, 2002, the case was re-opened in the 315th District Court of Harris County, Texas, after Petitioner was declared to have violated the Order of the Court. As a result, Petitioner's probation was extended for twelve (12) months.

In addition, on or about October 29, 2003, Petitioner was arrested by the Houston Police Department, Houston, Texas, for EVADING ARREST OR DETENTION and THEFT OF PROPERTY \geq \$50 < \$500. On or about December 23, 2003, a Motion of Nonsuit was entered for the offense of EVADING ARREST OR DETENTION, in the 315th District Court of Harris County, Texas, for the reason: the Respondent was adjudicated in another cause number. On or about December 23, 2003, Petitioner entered a plea of Guilty to THEFT OF PROPERTY \geq \$50 < \$500, a Class B misdemeanor offense, in the 315th District Court of Harris County, Texas. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation through the Juvenile Probation Department for a period of twelve (12) months.

On or about September 24, 2004, Petitioner was arrested by the Houston Police Department, Houston, Texas, for THEFT OF PROPERTY \geq \$50 <\$500, a Class B misdemeanor offense. On or about September 28, 2004, Petitioner entered a plea of Guilty to and was convicted of THEFT 50- 500, a Class B misdemeanor offense committed on September 24, 2008, in the County Criminal Court at Law No. 4 of Harris County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of eight (8) days.

On or about February 19, 2005, Petitioner was arrested by the Houston Police Department, Houston, Texas, for PROSTITUTION, a Class B misdemeanor offense. On or about February 21, 2005, Petitioner entered a plea of Guilty to and was convicted of PROSTITUTION, a Class B misdemeanor offense committed on February 19, 2005, in the County Criminal Court at Law No. 10 of Harris County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of ten (10) days.

On or about July 2, 2014, Petitioner was arrested by the Houston Police Department, Houston, Texas, for CRIMINAL MISCHIEF \geq \$500 < \$1,500, a Class A misdemeanor offense. On or about October 22, 2014, Petitioner entered a plea of Guilty to and was convicted of CRIM MISCH \geq \$500 <\$1500, a Class A misdemeanor offense committed on July 2, 2014, in the County Criminal Court at Law No. 7 of Harris County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of four (4) days.

On July 22, 2016, Petitioner was requested to submit to a forensic psychological evaluation with a polygraph component, which Petitioner declined.

Petitioner did not appear. The Committee voted to **deny** the petition.

4. Petitioner filed a petition for declaratory order based on the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on or about May 2, 2012. On or about September 18, 2012, Petitioner entered a plea of Guilty and was convicted of DWI 1ST OFFENDER BAC .08, a Class B misdemeanor, in the County Criminal Court at Law No. 12 of Harris County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of one (1) year. On or about September 23, 2013, Petitioner completed the terms and conditions of probation.

On or about October 10, 2011, Petitioner was admitted to an inpatient treatment program for substance abuse, and successfully completed the program on December 21, 2011. Petitioner also completed an additional inpatient treatment for chemical dependency from May 10, 2012 to June 19, 2012. On or about June 25, 2012, Petitioner was again to an inpatient treatment program and successfully completed the program on August 2, 2012.

Petitioner was offered an Agreed Eligibility Order requiring participation in Texas Peer Assistance Program for Nurses, which Petitioner declined.

Petitioner provided several letters of support and employer evaluations.

Petitioner appeared in person with his attorney. The Committee voted to **approve** the petition with the following stipulations: NCSBN course Critical Thinking and Nursing Jurisprudence and Ethics.

Petitioners for an Exception to a Previous Board Order

The Committee considered eleven (11) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated May 9, 2008, requesting she be granted an unencumbered license. It was the Committee's decision to **grant** an unencumbered license.
2. Petitioner requested an Exception to a previous Board Order dated January 20, 2015, requesting she be allowed to return to direct patient care. It was the Committee's decision to **deny** the request as there was no documentation of one year of sobriety. The Order issued January 20, 2015 stands.
3. Petitioner requested an Exception to a previous Board Order dated February 11, 2014, requesting she be allowed access to controlled substances. It was the Committee's decision to **deny** the request for access to controlled substances. The Order issued February 11, 2014 stands.

4. Petitioner requested an Exception to a previous Board Order dated June 10, 2014, requesting an unencumbered license. It was the Committee's decision to deny an unencumbered license, but to **grant** a modification from indirect supervision to incident reporting.
5. Petitioner requested an Exception to a previous Board Order dated February 11, 2014, requesting an unencumbered license. It was the Committee's decision to deny an unencumbered license, but to **grant** a modification from indirect supervision to incident reporting.
6. Petitioner requested an Exception to a previous Board Order dated February 11, 2014, requesting the Board reconsider the proposed Agreed Order that allowed Petitioner to return to direct patient care. It was the Committee's decision to **grant** a return to direct patient care with the following stipulations: complete a refresher course; NCSBN course Critical Thinking; Nursing Jurisprudence and Ethics; notify present/future employers of the board order; submit notification of employment; incident reporting; abstain from drugs and alcohol; random monthly drug screens; and provide employer reports for a period of one (1) year.
7. Petitioner requested an Exception to a previous Board Order dated September 8, 2015, requesting to return to direct patient care. It was the Committee's decision to **grant** a return to direct patient care with the following stipulations: notify present/future employers of the board order; submit notification of employment; incident reporting; abstain from drugs and alcohol; random monthly drug screens; and provide employer reports for a period of one (1) year.
8. Petitioner requested an Exception to a previous Board Order dated October 22, 2015, requesting a reduction in the number of years of monitoring. It was the Committee's decision to **grant** a reduction in the length of the Order to one year, modification from direct to indirect supervision, and modification to allow physician supervision in a clinical setting.
9. Petitioner requested an Exception to a previous Board Order dated July 22, 2010, requesting she be allowed to return to direct patient care. It was the Committee's decision to **grant** a return to direct patient care with the following stipulations: complete a refresher course; notify present/future employers of the board order; submit notification of employment; indirect supervision; and provide employer reports for a period of one (1) year.
10. Petitioner requested an Exception to a previous Board Order dated May 10, 2013, requesting relief from participation in TPAPN. It was the Committee's decision to **grant** an unencumbered license.
11. Petitioner requested an Exception to a previous Board Order dated October 4, 2013, requesting relief from participation in TPAPN. It was the Committee's decision to **grant** an unencumbered license.

Motions for Rehearing

The Committee considered five (5) motions for rehearing:

1. Movant filed a timely Motion for Rehearing in this matter. Movant stated she failed to update her address with the Board. Movant was unable to explain the issues in the Formal Charges. Movant did not provide information sufficient to comply with Board Rule 213.16(j); therefore, it was the Committee's decision to **deny** the motion.
2. Movant filed an untimely Motion for Rehearing in this matter. Movant did not update her address with the Board after moving, and admitted to serious drug allegations. Movant did not provide information sufficient to comply with Board Rule 213.16(j); therefore, it was the Committee's decision to **deny** the motion.
3. Movant filed an untimely Motion for Rehearing in this matter. Movant stated he moved from his address of record and didn't receive any notices. Movant did not provide information sufficient to comply with Board Rule 213.16(j); therefore, it was the Committee's decision to **deny** the motion.
4. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she failed to update her address with the Board. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
5. Movant filed a timely Motion for Rehearing in this matter. Movant stated he signed for the Notice of Hearing, but could not afford to take his remedial education. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).

Orders Ratified:

Ninety-four (94) disciplinary agreed orders were approved.

Ten (10) reinstatement agreed orders were approved.

Thirty (30) eligibility agreed orders were approved.

Eighty-two (82) default revocation orders were approved.

Nine (9) default revocation orders from ALJ Proposals for Decision were approved.

Four (4) KSTAR Pilot Program agreed orders were approved.