

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
August 8, 2006

This report is written to describe E&D Committee actions and trends. There were five (5) Eligibility Requests, two (2) Petitioners' Requests for Exception to a Previous Board Order, ten (10) Eligibility Agreed Orders, three (3) Reinstatement Agreed Orders, thirty-four (34) Disciplinary Agreed Orders, fifty-nine (59) Default Revocation Orders, two (2) Motions for Rehearing, and two (2) ALJ Proposals for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (4)

Approved with Stipulations (4):

1. Female Applicant entered guilty plea on October 25, 2001 to felony offense of Possession of a Controlled Substance w/Intent to Manufacture in the District Court of Oklahoma. Entered Gateway House, Inc., a rehab. facility, on January 2, 2002 and was discharged April 2, 2002. Proceedings were deferred without adjudication of guilt. Applicant received five (5) years probation. Applicant denied licensure to practice professional nursing in the State of TX on March 9, 2005. Order of Expungement was granted October 28, 2005.
2. Female Applicant previously appeared before E&D Committee on September 9, 2003. Board issued Conditional Eligibility Order October 29, 2003. Final Recommendation on licensure delayed until Applicant complied w/recommendations reported by Clinical Psychologist. Applicant underwent 2nd forensic psych. eval. on December 22, 2005. Findings indicated Applicant has made substantial progress and has matured; recommended Applicant be granted opportunity to sit for licensing exam.
3. Male Applicant charged July 30, 2000 with misdemeanor offense of Driving Under the Influence of Alcohol by a Minor in Brownsville, TX; deferred and dismissed after Applicant completed twenty (20) hours of community service and \$100 fine. Charged May 20, 2001 with misdemeanor offense of Public Intoxication by a Minor in Brownsville, TX; deferred and dismissed after eighty (80) hours of community service and \$250 fine. Charged August 25, 2001 with misdemeanor offense of Public Intoxication by a Minor in Brownsville, TX. Assessed \$150 fine. Charged November 10, 2001 with misdemeanor offense of Public Intoxication by a Minor in Brownsville. Assessed a fine of \$150. Charged October 29, 2003 with misdemeanor offense of Driving Under the Influence in State Court of Cobb County, Georgia. Entered guilty pleas and sentenced to one (1) year of probation and \$300 fine. Completed probation October, 2004; forensic psychological evaluation with chemical dependency component and polygraph examination June 7, 2006. Dr. Recommends Applicant not be considered for licensure at this time; appears high probability of substance dependence disorder. Polygraph inconclusive.

4. Male Applicant denied licensure February 6, 2005. Arrested October 18, 1981 for misdemeanor offenses of Possession of Prohibited Weapon\Disorderly Conduct-Excessive Noise/San Angelo Police Dpt. Oct. 20, 1981 charged w/ misdemeanor offense of Criminal Mischief, one (1) year Probation and assessed fine of \$100. Applicant granted Motion to Dismiss on December 22, 1981 in Tom Green County, TX. December 7, 1981 Applicant was charged with misdemeanor offense of Unlawfully Carrying a Weapon, Tom Green County, TX; entered plea of no contest and was sentenced to one (1) year probation. Charged June 17, 1982 with misdemeanor offense of Driving While Intoxicated, Tom Green County, TX; entered a plea of guilty and proceeding was deferred w/o adjudication of guilt; sentenced to two (2) years probation. Discharged from probation June 17, 1984. Charged February 7, 1984 with misdemeanor offense of Driving While Intoxicated, Tom Green County, TX; entered guilty plea and sentenced to ten (10) days confinement and \$200 fine. June 29, 1988 arrested for misdemeanor offense of Assault, San Angelo Police Dpt.; granted Order to Dismiss on November 9, 1988. Applicant charged August 30, 1988 w/ misdemeanor offense of Driving While Intoxicated, 2nd offense, Tom Green County, TX; entered a plea of guilty and sentenced to fifteen (15) days confinement and \$300 fine. November 2, 1988 charged with misdemeanor offense of Theft, Tom Green County, TX; entered not guilty plea and assessed fine of \$100. August 28, 1989 arrested for misdemeanor offense of Assault, San Angelo Police Dpt.; June 9, 1992 granted Order to Dismiss charge. Charged June 10, 2002 with misdemeanor offenses of Indecency with a Child by Exposure and Indecency with a Child by Contact, Tom Green County, TX; May 29, 2003 granted Order of Dismissal due to successful completion of pre-trial diversion program. Letter dated March 27, 2006 from Hector Cantu of Cantu Counseling, stating Applicant has been receiving counseling services for one (1) year, fourteen (14) sessions, with two (2) random drug screens. Mr. Cantu believes Applicant will continue living drug free and is ready to work in any nursing position. Forensic eval. findings suggested a possible hidden agenda to continue recreational abuse of marijuana or at least a lack of resolve regarding abstinence.

Continued (1):

1. Female Applicant charged with 2nd degree felony offense of Burglary of Habitation, Wichita Falls County, TX; entered guilty plea, was deferred w/o adjudication of guilt; six (6) months probation. Charged June 2, 1998 w/misdemeanor offense of Battery; Palm Beach, FL; entered plea of nolo contendere and sentenced to one (1) year probation and court costs of \$169. June 2, 1998 charged with misdemeanor offense of Battery, Palm Beach, FL; one (1) year probation and court costs of \$111. October 19, 1998 charged with misdemeanor offense of Resisting Officer, Palm Beach, FL; entered plea of nolo contendere and assessed court costs of \$251. May 15, 2002 arrest for misdemeanor offense of Driving While Intoxicated in Wichita Falls, TX; charge dismissed March 23, 2004 w/completion of Pre-Trial Diversion Program and payment of court costs of \$287.25. October 20, 2002 arrest for misdemeanor offense of Driving While Intoxicated in Wichita Falls, TX; charge was dismissed February 5, 2004 after completion of Pre-Trial Diversion Program and payment of court costs of \$261. Within one hundred twenty (120) days Applicant will have a complete forensic psych. eval. with a chemical dependency component and polygraph performed.

PETITIONERS' REQUESTS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (2):

1. One part Approved and one part of request Denied. Unsupervised employment Denied; Approved amendment to allow temporary agency, if one employer.
2. Denied.

ELIGIBILITY AGREED ORDERS (10): Approved

REINSTATEMENT AGREED ORDERS (3) Approved.

DISCIPLINARY AGREED ORDERS (34): Approved.

DEFAULT REVOCATION ORDERS (59): Approved.

MOTIONS FOR REHEARING (2): Granted

ALJ PROPOSAL FOR DECISION (2): Approved.

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
September 12, 2006

This report is written to describe E&D Committee actions and trends. There were five (5) Eligibility Requests, eighteen (18) Eligibility Agreed Orders, one (1) Reinstatement Agreed Order, twenty-three (23) Disciplinary Agreed Orders, twenty-six (26) Default Revocation Orders, and one (1) Motion for Rehearing.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (5)

Approved with Stipulations (2):

1. Male Petitioner's Emergency Medical Technician (EMT-P) license placed on probation July 23, 1998; gave copy of the Advanced Cardiac Life Support Exam to MET-P student w/instructions on where to make a copy of test. Charged October 26, 2001 w/2nd degree felony offense of Burglary of a Habitation w/Intent to Commit Theft, Harris County, TX; plead guilty; proceedings were deferred w/o adjudication of guilt; seven (7) years probation. Issued Agreed Order by TX Dept. of Health Bureau of Emergency Management placing paramedic license on probation for (2) years for October 26, 2001 offense; discharged from community supervision on April 18, 2006. Came before the E&D Committee on June 10, 2003; matter continued pending forensic psych. eval. and polygraph exam. results; licensure denied by E&D Committee on October 24, 2003.
2. Female Applicant denied licensure by endorsement December 30, 2005; arrested for misdemeanor of Theft/Possession of Stolen Property in New Orleans August 21, 1993; assessed fine and ordered to complete sixteen (16) hours of community service. Arrested March 2, 2005 misdemeanor Battery in Bogalusa, LA; plead guilty to Simple Battery and sentenced to thirty (30) days confinement w/suspended sentence; one (1) year unsupervised probation. Practiced nursing in the State of TX w/o valid license August 2, 2005 through September 27, 2005. Currently attending weekly counseling sessions at Southeast Spousal Abuse Program; attends anger management classes at New Beginning Center, Mesquite, TX.

Continued (1):

1. Male Petitioner arrested July 20, 1988 for Driving While Intoxicated by San Antonio Police. September 28, 1988 adjudged guilty of DWI in Bexar Cty., TX; on probation for 24 months, assessed fine/court costs of \$493; required to attend and complete DWI education program. Probation terminated September 28, 1990. September 12, 1991 charged w/misdemeanor Theft by Check, Dallas Cty., TX; made full restitution of \$192; case dismissed August 24, 1993. Charged June 8, 1994 w/misdemeanor Issuance of Bad Check, Lubbock Cty., TX. Assessed fine/court costs, given jail credit for fine and paid restitution of \$270. Charged February 5, 1996 w/Failure to Identify to a Peace Officer; paid fine/costs of \$204. Charged

February 28, 1996 w/Expired License Places, Lubbock Cty., TX; paid fine/costs of \$105. May 8, 1996 charged w/Failure to Appear; paid fine/costs of \$190. Arrested December 15, 1982 for Reckless Conduct, Lubbock Cty., TX; case dismissed because “complaining witness no longer wishes to prosecute”. Arrested December 5, 1999 for Possession of a Controlled Substance and Transfer Chemical Lab Apparatus for Unlawful Manufacture, Hudson Oaks, TX; charges rejected by prosecutor w/o pre-trial diversion on March 2, 2000. Forensic psych. eval w/chemical dependency component/polygraph exam results indicted minimization of history with drugs to the BNE. Evaluator recommends re-examination by psych and polygraph exam.

Denied (2):

1. Female Petitioner charged March 8, 1997 w/ felony Possession of a Controlled Substance, Johnson Cty., TX; plead guilty October 16, 1997; proceedings deferred w/o adjudication of guilt; assessed \$2,500 fine, restitution of \$140, to perform 160 hours of community service and submit to weekly drug testing; successfully completed deferred adjudication probation October 15, 2002. Underwent forensic psych. eval/chemical dependency component and polygraph exam. Results indicate Petitioner has history of theft, clear issues w/males that need to be addressed, and aggressive responses when angry that may pose a risk to patients. Results show Petitioner does not meet the Good Professional Character guidelines. Eligible to reapply in one (1) year.
2. Male Petitioner arrested February 8, 1999 for misdemeanor DUI-Alcohol, San Angelo, TX; dismissed March 11, 1999. November 11, 2000 misdemeanor class A offense of Unlawfully Carrying Weapon was dismissed. December 3, 2002 charged with misdemeanor Class B offense of Driving While Intoxicated in Tom Green Cty., TX; convicted August 29, 2003 and sentenced to ninety (90) days confinement suspended sentence and placed on probation for one (1) year; assessed fine/court costs of \$626; discharged from probation August 29, 2004. Charged March 7, 2003 w/2nd degree felony Sexual Assault of a Child; case dismissed when Petitioner successfully completed pre-trial intervention program. March 29, 2006 forensic psych eval/chemical dependency/sexual predator components and polygraph exam revealed arrests which were not previously disclosed. Information Petitioner provided during initial clinical interview differed from info. provided to polygraph examiner. Examiner unable to state Petitioner able to consistently behave in accordance with minimum standards set by the Board’s rules.

ELIGIBILITY AGREED ORDERS (18): Approved

REINSTATEMENT AGREED ORDERS (1) Approved

DISCIPLINARY AGREED ORDERS (23): Approved

DEFAULT REVOCATION ORDERS (26): Approved

DEFAULT SUSPENSION ORDERS (6) Approved

MOTIONS FOR REHEARING (1): Approved