

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
May 8, 2007

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, eleven (11) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, twelve (12) Disciplinary Agreed Orders, (35) Default Revocation Orders, and four (4) Motions for Rehearing.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (8)

Approved without Stipulations (1):

1. Male Petitioner arrested Sept. 12, 1993 for misdemeanor offense of Driving While Intoxicated; plead "nolo contendere"; convicted and placed on community supervision for one (1) year, assessed fine and court costs of \$570. Petitioner successfully completed his community supervision. Arrested Sept. 23, 1995 for felony Possession of a Controlled Substance-Cocaine; plead guilty to felony Possession of Cocaine Less than One (1) Gram. Sentenced to two (2) years confinement in TDCJ suspended for four (4) years community supervision, and Petitioner's driver's license was suspended for one hundred eighty (180) days. Discharged from community supervision June 5, 2000.

Approved with Stipulations (5):

1. Female Petitioner charged November 7, 1997 with misdemeanor offense of Hindering Apprehension; entered plea of guilty and was deferred without adjudication of guilt; was sentenced to two (2) years probation. March 12, 2002 Petitioner was charged with felony Tampering w/Government Records; entered plea of guilty and was deferred without adjudication of guilt; sentenced to three (3) years probation; discharged from probation May 3, 2005. Forensic Evaluation performed Oct. 13, 2006 revealed that Petitioner's profile is within normal limits and did not reveal any significant signs of psycho-pathology or impaired thinking. It is evaluator's opinion that there is a strong possibility that Petitioner would be able to consistently behave in accordance with Board Rules.
2. Female Applicant charged Oct. 23, 1997 w/felony offense of Possession of Marijuana. Entered a plea of guilty and was deferred without adjudication of guilt and placed on five (5) years community supervision. Community supervision terminated May 15, 2003.
3. Female Petitioner appeared before the E&D Committee previously on Dec. 13, 2005 and was denied licensure. Convicted of misdemeanor Assault on March 13, 2001; entered a plea of guilty and assessed fine of \$50. Convicted of misdemeanor of Harboring a Runaway Child

on May 11, 2001 and was sentenced to twenty (20) days confinement. Evaluator states it does seem possible that Petitioner could behave in accordance with Board rules with the support of the following: the care and treatment of a psychiatrist, engagement in some outpatient substance abuse program, psychotherapy or counseling, random drug screens for at least twenty-four (24) months, reports from supervisors and other work personnel to ensure that she is maintaining a level of behavior and performance consistent with a licensed nurse. Results of polygraph show that Petitioner did not tell the complete truth in her responses to questions. Letter dated March 23, 2007 from psychiatrist states that Petitioner has been under his care since Dec. 9, 2005, is currently taking Prozac, and is in compliance with her medication regimen. Petitioner also sees a psychotherapist and needs to continue this combined regimen of medication and therapy. Sees no psychiatric contraindications preventing her from practicing as a nurse.

4. Male Petitioner charged Jan. 29, 2001 w/misdemeanor of Public Intoxication; entered a plea of guilty and was assessed a fine of \$150. Issued a citation for misdemeanor of Minor in Possession of Open Container and was assessed a fine of \$350. Charged Dec. 15, 2002 with misdemeanor offense of Minor Possession; entered a plea of guilty and assessed a fine of \$177. Charged Dec. 1, 2003 with misdemeanor of Public Intoxication; entered plea of no contest and was assessed a fine. Charged April 14, 2004 with misdemeanor of Possession of Alcoholic Beverage by a Minor; entered a plea of guilty and was assessed a fine of \$183. Charged March 6, 2006 with misdemeanor offense of Driving While Intoxicated; entered guilty plea and was sentenced to fifteen (15) months probation. On August 31, 2006 was issued an Order Revoking Probation and sentencing him to forty-five (45) days confinement. Forensic evaluator states results of evaluation show Petitioner does not meet criteria for a psychiatric diagnosis at this time. Petitioner does meet diagnostic criteria for substance dependence disorder. It is the opinion of the examiner that Petitioner will have difficulty behaving in a manner consistent with Board Rules.
5. Male Petitioner Court-Martialed for Use and Possession of a Controlled Substance by the Department of the Air Force on Jan. 28, 1999; sentenced to eighteen (18) months confinement; was reduced in rank. Released on parole on Nov. 16, 1999. Petitioner released from parole on April 3, 2000.

Denied (1):

1. Female Petitioner charged June 21, 2004 with felony offense of Theft \$1500-\$20K; entered plea of guilty and was deferred without adjudication of guilt. Petitioner was sentenced to five (5) years probation and restitution of \$17,779. Discharged from probation May 5, 2006. Underwent Forensic Evaluation January 6, 2007; results indicated deception regarding other arrests. After being made aware of this Petitioner disclosed arrest in 2001 for contempt of court. Evaluator not able to make any conclusions regarding Petitioner's capacity for behaving in accordance with the Board's Rules.

Continued (1):

1. Female Petitioner committed to the custody of Texas Youth Commission until she was 21 years of age after a petition was filed on August 26, 1994 alleging Petitioner to have allegedly engaged in delinquent conduct, Aggravated Robbery and Theft from Person on Jan. 27, 1994 and Attempted Murder on July 22, 1994. September 25, 1999 charge of misdemeanor Assault Causing Bodily Injury with disposition of conviction on Jan. 20, 1999 and sentenced to three (3) days confinement; assessed fine and court costs in the amount of two hundred twenty-four dollars (\$224). Forensic Evaluation of Nov. 21, 2006 indicated possible significant psychiatric symptoms. Evaluator recommends that Petitioner seek consultation and treatment with a psychiatrist in order to determine if medication may further enhance her functioning and controls . Testing is problematic and would make it difficult to assert with a high level of confidence that Petitioner would be able to consistently function in accordance with Board Rules. Petition will return after psychiatrist evaluation is complete and a copy of that report has been forwarded to the Board for review.

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

1. Approved. Request to continue existing order, but as a CRNA, was Granted.
2. One part Approved and one part Denied. Female Petitioner was granted her request to return to direct patient care. Stipulations 1-4 of Agreed Order dated April 20, 2006 have been satisfied. Petitioner shall agree to notify all future and present employers of Board Order, notify the Board of employment, supply Board with periodic nurse performance evaluations from employer, and work under indirect supervision for one (1) year of employment. Petitioner was Denied an unencumbered license at this time.

ELIGIBILITY AGREED ORDERS (11): Approved.

REINSTATEMENT AGREED ORDERS (2) Approved.

DISCIPLINARY AGREED ORDERS (12): Approved.

DEFAULT REVOCATION ORDERS (35): Approved.

DEFAULT SUSPENSION ORDERS (0):

MOTIONS FOR REHEARING (4): Approved.

ALJ PROPOSAL FOR DECISION (2): Approved.

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
June 12, 2007

This report is written to describe E&D Committee actions and trends. There were eleven (11) Eligibility Requests, one (1) Petitioner's Request for Exception to a Previous Board Order, twenty (20) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, sixty-two (62) Disciplinary Agreed Orders, thirty-four (34) Default Revocation Orders, two (2) Motions for Rehearing, and three (3) ALJ Proposals for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (11)

Approved with Stipulations (8):

1. Female Petitioner entered plea Oct. 9, 2002 of nolo contendere to misdemeanor offense of Theft-2 counts-was convicted and sentenced to confinement for five (5) days with credit given for one (1) day. Dec. 11, 2003 convicted of state jail felony Debit Card Abuse - 3 counts & Forgery 3 counts - sentenced to six (6) years and six (6) months confinement in State Jail with credit given for one hundred three (103) days. Dec. 11, 2003 convicted of state jail felony offense of Fraudulent Use or Possession of Identifying Information and sentenced to six (6) months confinement in State Jail with credit given for one hundred three (103) days. Entered plea of guilty Feb. 5, 2004 to state jail felony offenses of Forgery & Possession of a Controlled Substance and sentenced to one hundred eighty (180) days confinement in State Jail, with credit given for one hundred fourteen (114) days. Convicted May 28, 2004 of state jail felony Forgery and sentenced to nine (9) months confinement in State Jail, with credit given for two hundred twenty-nine (229) days. June 16, 2004 convicted of state jail felony Forgery and sentenced to eight (8) months confinement in State Jail, with credit given for one hundred twenty (120) days. Convicted October 4, 2004 of state jail felony Forgery of a Commercial Instrument/Check and was sentenced to one (1) confinement in State Jail. Ordered to pay restitution to the victim in the amount of \$2,923.00.
2. Female Petitioner charged Aug. 24, 2005 with state jail felony of Engaging in Organized Crime. Entered a plea of guilty and granted entry into the Pre-Trial Diversion Program. Completed Program on March 5, 2007.
3. Female Applicant submitted a Chemical Dependency Evaluation conducted on Oct. 19, 2005 by Psychologist in an attempt to regain her Nevada Nursing License. Results show Petitioner as having a history of chemical dependence that occurred some eleven years ago. Drug of choice was Demerol administered orally and intravenously. Also used Valium administered orally. Period of abuse started approximately in June 1991 and continued for

twelve months. Applicant then entered an inpatient treatment facility briefly, leaving after only a few days and entered outpatient therapy which continued for two (2) years. Psychologist states Applicant does not exhibit signs of chemical abuse at the time of evaluation and has maintained a period of abstinence that has lasted over nine months.

4. Female Petitioner charged April 28, 1997 with 2nd degree felony Aggravated Assault with a Deadly Weapon. Plead guilty and proceedings were deferred without adjudication of guilt. Placed on probation for five (5) years, assessed a fine and court costs in the amount of \$731.00 and required to perform 240 hours of community service. Discharged from community supervision on Aug. 24, 2001. Petitioner underwent forensic evaluation Nov. 28, 2005. Results indicated Petitioner is not fit to sit for the licensing exam. Petitioner has anger/temper issues that may put people at risk. Petitioner in need of therapy to address these issues. Petitioner presented herself to psychologist on Oct. 11, 2006 to undergo follow-up evaluation. Results showed a positive change. Petitioner actively involved herself in addressing her issues by working with psychologist to obtain therapy. Psychologist states that Petitioner is fit to be licensed as a nurse. She has done extensive therapy to address the issues from her last evaluation. Her test scores have improved and her motivation to seek help and not deny the issues is in psychologist's opinion a good indicator of her potential to work well in the nursing field.
5. Male Applicant arrested on March 24, 2002 for misdemeanor offense of Driving Under the Influence of Alcohol/Drugs in Redwood City, California. July 1, 2002 Applicant entered plea of no contendere and was sentenced to three (3) years probation. Arrested for misdemeanor Driving under the Influence of Alcohol/Drugs on Nov. 24, 2002. On Oct. 10, 2003 arrested for misdemeanor Carrying a Concealed Weapon in Vehicle, Driving Under the Influence of Alcohol/Drugs, Driving without a License, and Carrying a Loaded Fire Arm. Convicted and assessed a fine and ordered to Sheriff's work program. Arrested for Battery of Spouse/Ex Spouse/Date/Etc., Carrying a concealed Weapon in Vehicle, Carrying a Loaded Fire Arm, Driving Under the Influence of alcohol/Drugs, and Driving Under the Influence of Alcohol/0.08 Percent. Applicant entered a plea of guilty and sentenced to eighteen (18) months probation. Arrested July 1, 2004 for Prostitution, Loitering for Prostitution, Driving without a License, Driving Under the Influence of Alcohol/0.08 Percent, and Battery of Spouse/Ex Spouse/Date/Etc. On Oct. 10, 2006 Applicant was seen by psychologist to under go Forensic Psychological evaluation to include chemical dependency component and polygraph examination. Results of evaluation yielded no indications of significant psychological disturbance, impairment or chemical dependence that would prevent Applicant from consistently performing the duties and accepting the responsibilities of professional nursing as detailed in the Board Rules.
6. Female Petitioner charged with misdemeanor offenses on the following dates: Convicted on Dec. 15, 1992 of Theft by Check, paid restitution and court costs of \$135.00 on July 26, 1993; June 17, 1996 Issuance of a Bad Check, received deferred adjudication and paid fine and court costs of \$182.00 on April 7, 1997; Issuance of a Bad Check - Dec. 31, 1998, received deferred adjudication and paid fine and court costs of \$204.00; Issuance of a Bad Check - Sept. 17, 2000, paid fine and court costs of \$204.00 on Feb. 7, 2003; Theft - Aug. 15, 2002, received deferred adjudication and placed on six (6) months probation/paid fine

and costs of \$806.00, completed deferred adjudication on March 19, 2003. Issuance of a Bad Check - May 1, 2003, plead guilty and assessed a fine and court costs of \$203. Petitioner underwent Forensic Psychological Evaluation/Polygraph Examination on May 12, 2005. Results showed Petitioner possesses characteristics that might be associated with behaviors that are inappropriate for a licensed nurse. Psychologist states Petitioner is unlikely to adhere to Board guidelines and standards.

7. Male Applicant charged May 2, 1994 with Manslaughter and Criminally Negligent Homicide. On Nov. 28, 1995, Applicant was granted a suspension of sentence for a period of five (5) years placing him on probation with 60 days confinement, an imposed fine of \$10,000.00 and a requirement of 400 hours of community service. Discharged from probation on Nov. 9, 2000.
8. Male Petitioner, on May 2, 1997, provided false and deceptive information on a Temporary License/Endorsement Application submitted to the Board. Petitioner has admitted to the Board that this information was false at the time that it was provided. Petitioner admitted on an application for privileges to practice as a Certified Registered Nurse Anesthetist that he had been convicted of two (2) offenses of Driving Under the Influence, the first occurring approximately twelve (12) years ago and the second approximately five (5) to six (6) years ago. The second occurrence resulted in Petitioner being sentenced to mandatory incarceration. On September 1, 1998, Petitioner provided false and deceptive information on a Medical Staff Application to request privileges to practice as a Certified Registered Nurse Anesthetist. Petitioner indicated that he had previously been convicted of two (2) offenses of Driving Under the Influence, the first occurring approximately twelve (12) years ago and the second approximately five (5) to six (6) years ago. The second occurrence resulted in Petitioner being sentenced to mandatory incarceration. On June 24, 2001, Petitioner provided false and deceptive information on an application for renewal of staff membership privileges submitted to practice as a Certified Registered Nurse Anesthetist. Formal Charges were filed on February 26, 2004 and mailed to Petitioner on February 26, 2004. First Amended Formal Charges were filed on August 9, 2004 and mailed to Petitioner on August 9, 2004. Second Amended Formal Charges were filed on August 9, 2004 and mailed to Petitioner on August 12, 2004. Third Amended Formal Charges were filed on May 26, 2005 and mailed to Petitioner on May 26, 2005. Petitioner voluntarily surrendered his invalid Texas MSR Registered Nursing License, his Multi-State Compact Privilege to practice professional nursing, and his delinquent advance practice recognition on July 25, 2005.

Denied (2):

1. Female Petitioner charged with state jail felony Unauthorized use of a Motor Vehicle, entered a plea of guilty and proceedings were deferred without adjudication of guilt, and was placed on five (5) years probation. Discharged from probation on June 1, 2006. Disclosed in written statement a 1999 charge of Driving Under the Influence for which she received a fine. Charged Dec. 27, 1999 with misdemeanor offense of Theft By Check. In 2002 was placed on a payment plan for the following misdemeanor offenses because fees and fines had accrued into the thousands: Failure to Appear/Seatbelt; Theft by Check; Contempt/Failure

to Appear; Contempt/Contempt, Possession of Marijuana/Fleeing; Contempt/Fleeing. Seen by psychologist for forensic evaluation on Dec. 22, 2006. Results of the evaluation indicate Petitioner will not be able to consistently behave in accordance with the requirements of Board's Rules. Also, Petitioner will not be able to consistently avoid behaviors identified by the Board as constituting unprofessional conduct.

2. Male Petitioner arrested for Morals-Decency Crime (solicitation of a Child) on Oct. 25, 1979, plead guilty to misdemeanor Prostitution on Oct. 25, 1979 and sentenced to forty-five (45) days confinement in county jail, suspended and placed on probation for six (6) months; assessed a fine of \$500.00. Terms of probation successfully completed May 5, 1980. Underwent forensic psychological evaluation to include sexual predator component and polygraph examination. Results of evaluation indicate Petitioner would have difficulty confirming his behavior to the NPA, Board Rules, and generally accepted nursing standards. Psychologist recommends Petitioner not be considered for licensure as a nurse.

Continued (1):

1. Male Petitioner arrested January 15, 1995 for Carrying a Concealed Weapon & Disorderly Conduct. Petitioner convicted Feb. 8, 1995 Misdemeanor Class A Carrying Concealed Weapon, sentenced to the House of Correction for twenty (20) days with three (3) days credit. Petitioner issued Oct. 27, 1996 a citation for the misdemeanor offense of Possession of a Controlled Substance; assessed a fine in the amount of \$283. Issued citation for Misdemeanor Theft on Dec. 14, 2001; paid a fine of \$422. Court documents show Default Judgment on Jan. 7, 2003 in the amount of \$422 was entered against Petitioner for not appearing in court and failing to enter a plea. Petitioner seen by psychologist on Dec. 11, 2006. Results show Petitioner is likely to have difficulty with honesty, accountability, trustworthiness, reliability, and integrity. Petitioner would also have difficulty with self-management and communication. Evaluator states that Petitioner would have difficulty conforming his behavior to the NPA, Board Rules, and generally accepted standards of nursing practice.

PETITIONERS' REQUESTS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (1):

1. Approved. Request to return to direct patient care was Granted.

ELIGIBILITY AGREED ORDERS (20): Approved

REINSTATEMENT AGREED ORDERS (2) Approved

DISCIPLINARY AGREED ORDERS (62): Approved

DEFAULT REVOCATION ORDERS (34): Approved

MOTIONS FOR REHEARING (2): Approved.

ALJ PROPOSAL FOR DECISION (3): Approved.