

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR**  
**August 12, 2008**

This report is written to describe E&D Committee actions and trends. There were four (4) Eligibility Requests, two (2) Petitioners for Exception to a Previous Board Order, one (1) Eligibility Agreed Order, five (5) Reinstatement Agreed Orders, seventeen (17) Disciplinary Agreed Orders, and twelve (12) Default Revocation Orders.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS: (4)**

**Approved with Stipulations (3):**

1. Male Petitioner charged February 7, 2000, with the 2nd degree felony offense Burglary of Habitation, entered a plea of guilty, proceedings were deferred without adjudication of guilt, was placed on seven (7) years probation. Probation was completed on November 28, 2005. Petitioner underwent forensic psychological evaluation and a polygraph examination. Evaluator states Petitioner presently appears to be stabilized on medication and functioning reasonably well. Petitioner seems to be functioning at a level that would allow him to behave in accordance with the Board's Rules.
2. Male Petitioner charged Aug. 13, 2007, with state jail felony offense of Possession of a Controlled Substance, entered a plea of nolo contendere, proceedings were deferred without adjudication of guilt and he was placed on two (2) years probation.
3. Female Petitioner charged June 8, 2004, with state jail felony office of Criminal Mischief. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt. Petitioner was given five (5) years of probation. Probation was terminated on Feb. 12, 2008.

**Continued (1):**

1. Male Petitioner arrested for Possession of Marijuana, Possession of Narcotic, Narcotic Smuggling, and Weapon Offense in Phoenix, Arizona, on July 4, 1988. On March 21, 1989, all charges were dismissed when Petitioner was found incompetent because of previous head injury. Petitioner was charged on Jan. 16, 2004, w/misdemeanor offense of Assault Causing Bodily Injury, entered a plea of guilty, proceedings were deferred without adjudication of guilt. Petitioner was placed on twelve (12) months probation. A Neuropsychological evaluation was performed on Feb. 26-27, 2007, for a head injury Petitioner suffered over 20 years ago. The evaluator states Petitioner will need accommodations and compensatory strategies for the residual effects of his brain trauma, but certainly has the cognitive

resources to be a success in the field. Petitioner underwent a forensic psychological evaluation on Feb. 28, 2008. Evaluator states he does not see any clinical evidence of personality or neurocognitive deficits that would impede Petitioner's ability to function and operate in the nursing field. The evaluator believes that Petitioner would be able to consistently behave in accordance with the requirements of the Board's Rules, as well as meet generally accepted nursing standards set by the Board, and generally accepted nursing standards.

**ELIGIBILITY AGREED ORDERS (1):** Approved.

**PETITIONER FOR EXCEPTION TO PREVIOUS BOARD ORDER (2):** Approved.

**REINSTATEMENT AGREED ORDERS (5):** Approved.

**DISCIPLINARY AGREED ORDERS (17):** Approved.

**DEFAULT REVOCATION ORDERS (12):** Approved.

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR**  
**September 9, 2008**

This report is written to describe E&D Committee actions and trends. There were four (4) Eligibility Requests, three (3) Petitioners for Exception to a Previous Board Order, one (1) Motion for Rehearing, three (3) Eligibility Agreed Orders, three (3) Reinstatement Agreed Orders, twenty-eight (28) Disciplinary Agreed Orders, twenty (20) Default Revocation Orders, and two (2) ALJ Proposals for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS: (4)**

**Approved with Stipulations (3):**

1. Male Petitioner was charged Aug. 12, 2000, w/misdemeanor Theft, ordered to attend the Teen Court Program, assessed a fine of \$61.25, and charge was dismissed Dec. 11, 2000. On July 23, 2002, Petitioner entered a plea of nolo contendere to the misdemeanor offense of Minor in Possession, was sentenced to six (6) months probation, and probation completed on Jan. 21, 2003. Petitioner entered a plea of guilty on July 5, 2003, to misdemeanor Minor Driving Under the Influence and Possession of Open Container; proceedings were deferred and Petitioner was assessed a fine of \$295. Petitioner entered a plea of guilty on Jan. 30, 2004, to misdemeanor offense of Possession of Drug Paraphernalia and was assessed a fine of \$200. On June 16, 2004, Petitioner entered a plea of guilty to misdemeanor Minor in Consumption of Alcohol, proceedings were deferred without adjudication of guilt, and Petitioner was assessed a fine of \$455. On May 9, 2008, Petitioner underwent a forensic psychological evaluation. Evaluator recommended a TPAPN referral given his classification as an alcohol dependent individual with past history of drug abuse.
  
2. Female Petitioner charged June 17, 2005, with state jail felony of Credit Card Abuse, entered a plea of guilty and proceedings were deferred without adjudication of guilt and was placed on five (5) years probation. On June 17, 2005, was charged with 3<sup>rd</sup> degree felony Possession of a Controlled Substance, entered a plea of guilty and proceedings were deferred without adjudication of guilt and was placed on seven (7) years probation. On June 17, 2005, was charged with the class A misdemeanor offense of Forgery to Defraud or Harm entered a plea of guilty and sentenced to 135 days confinement. One June 22, 2005, Petitioner was charged with the misdemeanor Theft by Check, entered a plea of guilty and was sentenced to 140 days confinement, charge was dismissed Aug. 10, 2006. A letter submitted by Petitioner's doctor stated that it is the doctor's opinion that Petitioner's use of illicit substances occurred following a rape in an effort to numb her pain. Prior, she was not

a substance abuser nor had she exhibited any antisocial behavior. Petitioner's physician does not expect a recurrence of any of these behaviors.

3. Male Petitioner charged with state jail felony of Delivery of a Controlled Substance, entered a plea of no contest, proceedings were deferred without adjudication of guilt, placed on three (3) years probation, completed probation October 12, 2004. Petitioner underwent a forensic psychological evaluation to include a chemical dependency component and a polygraph exam. Evaluator believes that Petitioner is capable of conducting himself in accordance with the Board's rules.

**Denied (1):**

1. Female Applicant competed an Application for Licensure by Endorsement and answered "No" to the following question: "*Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, . . .*" In a written statement, Applicant states that on June 15, 1992, she was informed that she would be removed from the medical surgical ward II at the military hospital where she worked because she was associated with three medication errors. Applicant states it was not disclosed what the three (3) medical errors were, what medications were involved, and which patient was involved. Applicant challenged the claim and the matter was never resolved. Her superior submitted military discharge recommendations regarding Applicant based on her own belief that Applicant was unable to use sound nursing clinical judgment, nursing clinical skills, or nursing clinical knowledge expected of a 2<sup>nd</sup> Lt. US Army. Superior also claimed Applicant was unable to pass medications safely without supervision. Applicant's superior said Applicant was unsafe to practice nursing in a clinical setting, and Applicant was reassigned.

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

**PETITIONERS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (3):**

Two (2) Granted, one (1) Denied.

**ELIGIBILITY AGREED ORDERS (3):** Approved.

**REINSTATEMENT AGREED ORDERS (3):** Approved.

**DISCIPLINARY AGREED ORDERS (28):** Approved.

**DEFAULT REVOCATION ORDERS (20):** Approved.

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