

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
February 11, 2014, AND March 18, 2014**

The Eligibility and Disciplinary Committee (Committee) convened on February 11, 2014 and March 18, 2014. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered five (5) petitions for licensure:

1. Petitioner filed a petition for licensure based on the Class B Misdemeanor offense of Theft By Check committed in 2004 and the Felony offense of Theft of Property committed in 2007. For the first misdemeanor charge in 2004 the Petitioner was convicted. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of two (2) days with two (2) days credit given for time already served, and ordered to pay a fine. For the second felony charge in 2007, the Petitioner entered a plea of Guilty. 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 five thousand three hundred twenty seven dollars (\$5,327.00), along with a fine and court costs. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **continue** the petition for licensure until Petitioner completes probation and submits a forensic evaluation. Otherwise, Petition is denied.

2. Petitioner filed a petition for licensure based on the voluntary surrender of her Texas Educator Certificate, with the State Board for Educator Certification State of Texas. Petitioner received a Baccalaureate Degree in Professional Nursing from Lamar University, Beaumont, Texas, on May 18, 2013.

Petitioner and Petitioner's attorney appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, 10 x 2 years.

3. Petitioner filed a petition for licensure based on the Felony offense of Secure Execution of Document by Deception committed in 2012. Petitioner entered a plea of Guilty to Secure Execution of Document by Deception, reduced to a Class A

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

misdemeanor offense. 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 two (2) years. On or about August 16, 2012, Petitioner was discharged from probation.

Petitioner and Petitioner's attorney appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, 10 x 2 years.

4. Petitioner filed a petition for licensure based on the Felony offense of Possession of a Controlled Substance Less Than One Gram and the Class B Misdemeanor offense of Possession of Marijuana charge committed in 2008. Petitioner entered a plea of Guilty to Possession of a Controlled Substance Less Than One Gram. 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 three (3) years. Additionally, Petitioner was ordered to pay restitution in the amount of one hundred forty dollars (\$140.00), a fine and court costs. On or about August 23, 2012, Petitioner was discharged from probation. Charges for the offense of Possession of Marijuana charge were dropped by arresting agency.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: Petitioner must enroll in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) after licensure.

5. Petitioner filed a petition for licensure based on the Felony offense of Resisting Arrest, Search or Transportation and the Misdemeanor offense of Assault on a Public Servant charge committed in 2011. Petitioner entered a plea of Guilty to Assault on a Public Servant. 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 two (2) years, and ordered to pay a fine and court costs. On or about July 17, 2012, Petitioner was discharged from probation. Charges for the offense of Resisting Arrest, Search or Transportation were dismissed.

Petitioner appeared by telephone. The Committee voted to **continue** the petition for licensure until such time as a full panel of Board members are available for a vote.

Petitioners for an Exception to a Previous Board Order

The Committee considered nine (9) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated August 14, 2012, requesting that she be issued an unencumbered license. Petitioner had not been employed as an RN since issuance of the Order. Petitioner had not completed any of the remedial education requirements. It was the Committee's decision to **deny** the request. The Order issued August 14, 2012, stands.
2. Petitioner requested an Exception to a previous Board Order dated July 18, 2013, requesting that the pain management evaluation requirement be waived. Petitioner stated she had been unable to find a physician to complete the evaluation. It was the Committee's decision to **deny** the requested exception; however, the Committee

voted to modify the Board Order as follows: allow pain management evaluation by pain management evaluator, and if evaluation concludes that her family practitioner can safely monitor her practice, allow her family practitioner to submit quarterly evaluations consistent with Board forms.

3. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting that she be issued an unencumbered license or the criminal findings be removed/modified. All offenses occurred over fifteen years ago. It was the Committee's decision to **deny** the request as presented, however, the Committee modified the current order to allow incident reporting instead of direct supervision.
4. Petitioner requested an Exception to a previous Board Order dated April 19, 2012, requesting that she be allowed to return to direct patient care. Petitioner stated she no longer takes narcotics, even when prescribed. It was the Committee's decision to **grant** the request, with the following stipulations: 1b, 1j, 4, 5, 6a, 10, 11, 12 X 1 year.
5. Petitioner requested an Exception to a previous Board Order dated November 8, 2011, requesting that the Order be modified (no specific request was made). Petitioner had only completed one year of a three year order, and had only recently completed the required remedial education classes. During the meeting, Petitioner and Petitioner's attorney indicated they would like the remainder of the stipulations removed. It was the Committee's decision to **deny** the request. The Order issued November 8, 2011, stands.
6. Petitioner requested an Exception to a previous Board Order dated May 7, 2012, requesting that she be allowed to practice unsupervised and to have the required work hours reduced from 64 to 48. Petitioner and Petitioner's attorney provided supporting documentation including a nursing performance review and letters of recommendation. It was the Committee's decision to **grant** the request for reduced work hours; however, the Committee denied the request to allow unsupervised practice.
7. Petitioner requested an exception to a previous Board Order dated February 8, 2011, requesting that she be allowed to provide direct patient care. Petitioner and Petitioner's attorney provided supporting documentation including letters of recommendation, peer review feedback and performance evaluations. It was the Committee's decision to **grant** the request, with the following stipulations: 1b, 1j, 4, 5, 6b X 1 year.
8. Petitioner requested an Exception to a previous Board Order dated January 17, 2013, requesting that he be allowed to practice direct patient care. Petitioner did not supply any mitigating documentation. After discussion with the Board, Petitioner chose to **withdraw** his request.
9. Petitioner requested an Exception to a previous Board Order dated November 12, 2013, requesting that he be allowed to transport patients outside the state of Texas.

Petitioner provided information indicating that patients are only required to be transported infrequently, it is not a main component of his employment responsibilities. It was the Committee's decision to **grant** the request with the following stipulation: Petitioner may only transport patients through his current employer.

Motions for Rehearing

The Committee considered eight (8) motions for rehearing:

1. Movant filed a timely Motion for Rehearing in this matter. Movant states she learned of revocation on December 13, 2013. Movant stated she moved from her address of record due to an emergency. Movant admits to Formal Charges. It was the Committee's decision to **Grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
2. Movant filed an untimely Motion for Rehearing this matter. Movant used his parent's address as address of record and did not receive the notice of hearing in a timely manner. Movant claimed a positive drug screen for methamphetamine was due to a prescription medication. Movant was referred to EEP, but never contacted TPAPN. 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 this matter. Movant moved from address of record after graduation and never updated address with the BON. Movant stated that morphine documentation errors were due to transition period and a busy assignment. 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 a timely Motion for Rehearing this matter. Movant's attorney appeared for Movant, Movant did not attend. Movant claimed to have updated her address upon renewal. Movant admits to formal charges, Movant disclosed criminal charge upon renewal, and Movant's attorney stated a motion for early termination from probation had been filed but not granted. 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.
5. Movant filed a timely Motion for Rehearing this matter. Movant did not appear at the meeting. Movant did not explain in motion why she failed to notify the BON of her address change or why she failed to comply with her Agreed Order. 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.
6. Movant filed an untimely Motion for Rehearing this matter. Movant used the address of a relative as their address of record and did not update their address with the BON. Movant admits to formal charges, and stated she made a mistake, however, no further explanation was provided. 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.

7. Movant filed an untimely Motion for Rehearing this matter. Movant stated she had to move due to a domestic violence situation. Movant stated personal life occurrences prevented her from completing the required remedial education courses. Additionally, Movant has not complied with the required drug testing. 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.
8. Movant filed a timely Motion for Rehearing this matter. Movant's attorney stated the BON should have a current address, however, no address change has been received since last renewal. Movant admitted to not completing remedial education. Movant also stated in an affidavit that he has been employed as a nurse for three years; Movant has not notified the Board and has no history of compliance with supervision and drug testing stipulations. 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.

Orders Ratified:

One hundred twenty-six (126) disciplinary agreed orders were approved.

Ninne (9) reinstatement agreed orders were approved.

Twenty-three (23) eligibility agreed orders were approved.

One hundred twenty-six (126) default revocation orders were approved.

Twelve (12) deferred disciplinary action agreed orders were approved.