

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
November 12, 2013, AND December 10, 2013**

The Eligibility and Disciplinary Committee (Committee) convened on November 12, 2013 and December 10, 2013. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered one (1) petition for licensure:

1. Petitioner filed a petition for licensure based on the Class B Misdemeanor offense of Driving While Intoxicated committed in 2003 and the Class A Misdemeanor offense of Driving While Intoxicated 2nd, committed in 2005. For the first misdemeanor charge in 2003 the Petitioner was convicted. As a result of the conviction, Petitioner was sentenced to confinement for a period of ninety (90) days; however, imposition of the sentence was suspended, and Petitioner was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs. For the second misdemeanor charge in 2005, the Petitioner was convicted. As a result of the conviction, Petitioner was sentenced to confinement for a period of three hundred (300) days; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation for a period of eighteen (18) months, and ordered to pay a fine and court costs. On or about March 25, 2008, Petitioner was discharged from probation. Petitioner was not enrolled in a nursing program at the time of Petition.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 10 X 1 year.

Petitioners for an Exception to a Previous Board Order

The Committee considered seventeen (17) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting that she be allowed to work without supervision in a home health setting. It was the Committee's decision to allow Katherine Thomas, Executive Director, to approve an employer in home health. The prospective employer must first submit a letter to the Board indicating an offer of employment.

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

2. Petitioner requested an Exception to a previous Board Order dated May 14, 2013, requesting that she be allowed to work for multiple employers and the supervision stipulation be modified. During the phone call placed to Petitioner, Petitioner indicated she withdrew her request. The Order issued May 14, 2013, stands.
3. Petitioner requested an Exception to a previous Board Order dated February 12, 2013, requesting that she be allowed to practice without indirect supervision. Petitioner provided no mitigating information. It was the Committee's decision to Deny the request. The Order issued February 12, 2013, stands.
4. Petitioner requested an Exception to a previous Board Order dated July 23, 2009, requesting that he be released from the order. Petitioner failed to attend, and no action was taken. The Order issued July 23, 2009, stands.
5. Petitioner requested an Exception to a previous Board Order dated January 17, 2013, requesting that she be allowed to practice unsupervised and not have to comply with drug testing. It is her belief that drug testing is not warranted as the medical condition that caused her usage is no longer an issue. It was the Committee's decision to Deny the request. The Order issued January 17, 2013, stands.
6. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting that she be allowed to work without indirect supervision. It was the Committee's decision to Grant the request, and modify the Board Order. The General Supervision stipulation will be replaced with Incident Reporting.
7. Petitioner requested an exception to a previous Board Order dated March 20, 2012, requesting that he be allowed to work without indirect supervision. Petitioner had completed all required course work and paid the required fine. It was the Committee's decision to Grant the request, and modify the Board Order. The General Supervision stipulation will be replaced with Incident Reporting.
8. Petitioner requested an Exception to a previous Board Order dated May 10, 2011, requesting that the Board give her credit for nursing employment prior to the issuance of the Board Order and release her from the Board Order. It was the Committee's decision to continue the matter. The Board authorized Katherine Thomas, Executive Director, to obtain additional information from Prairie View A&M University regarding Petitioner. Based on the information received, Katherine Thomas has authority to change the Board Order stipulation for Indirect Supervision to Incident Reporting. Subsequent to the Committee Meeting, the Executive Director reviewed additional information provided by Texas A&M University and decided to Deny Petitioner's request based on fraudulent letters of recommendation supplied by Petitioner.
9. Petitioner requested an audience with the Board to discuss her recent Board Order issued October 17, 2013. This order was issued due to non-compliance with a previous Board Order issued September 13, 2011. Petitioner made no specific request. It was the Committee's decision to make no changes to the Order. The Order issued October 17, 2013, stands.

10. Petitioner requested an exception to a previous Board Order dated July 18, 2013, requesting that he be issued a limited license. Petitioner no longer desired to practice clinical nursing. It was the Committee's decision to Grant the request.
11. Petitioner requested an Exception to a previous Board Order dated September 8, 2009, requesting that the remainder of her stipulations be removed. Petitioner has completed remedial education, but provided no other mitigating circumstances. It was the Committee's decision to Deny the request. The Order issued September 8, 2009, stands.
12. Petitioner requested an Exception to a previous Board Order dated September 11, 2012, requesting that she be issued an unencumbered license. Petitioner failed to disclose significant history relevant to competency twice. No reason to mistake question. It was the Committee's decision to Deny the request, however, the Order will be amended to allow monitoring to be completed in Louisiana or California.
13. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting that she be allowed to practice unsupervised in a home health setting. Petitioner had committed a serious practice error and needs to show competency before being permitted to work unsupervised. It was the Committee's decision to Deny the request, however the Order will be amended to allow supervision by a physician.
14. Petitioner requested an Exception to a previous Board Order dated October 17, 2013, requesting that she be allowed to practice unsupervised. Lack of supervision is not an option given Petitioner's previous attempt to hide chemical dependency problem and intemperate use while working in home health. It was the Committee's decision to Deny the request, however the Order will be amended to allow supervision by a physician.
15. Petitioner requested an Exception to a previous Board Order dated March 23, 2010, requesting that his compliance with a Board Order issued by Utah be applied towards his fulfillment of the Texas Order. It was the Committee's decision to Grant the request, after the completion of required course work in Texas.
16. Petitioner requested an Exception to a previous Board Order dated December 18, 2012, requesting that she be allowed to practice direct patient care. It was the Committee's decision to Grant the request subject to the following conditions: Within one year of the date of this order, Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics and complete the NCSBN course Critical Thinking. Should Petitioner choose to practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall submit notification of employment; and shall provide employer reports; Petitioner shall have direct supervision for the first year of employment and indirect supervision

for the remainder of the order with employment restrictions for the duration of the stipulation period. For the first year of employment, Petitioner shall not work night shifts or work in critical care; Petitioner shall not administer drugs; and Petitioner shall submit periodic evaluations. Petitioner may also be supervised by a physician. Petitioner shall abstain from drugs and alcohol and submit to random drug screens. Petitioner shall attend a support group.

17. Petitioner requested an Exception to a previous Board Order dated November 8, 2011, requesting that he be allowed to practice in a non clinical setting. Petitioner completed all required course work and paid the required fine. It was the Committee's decision to Grant the request, and issue a limited license.

Motions for Rehearing

The Committee considered two (2) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant states she learned of revocation on August 29, 2013. Movant claims she changed her address when she sent in a name change. 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 a timely Motion for Rehearing this matter. Movant appears to have received formal charges, but Notice of Hearing was returned. Movant hasn't taken required courses for over three years. Movant has had positive screens, but no prescription had been provided at time of revocation. 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:

One hundred twenty-seven (127) disciplinary agreed orders were approved.

Ten (10) reinstatement agreed orders were approved.

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

One hundred twenty-seven (127) default revocation orders were approved.

Three (3) deferred disciplinary action agreed orders were approved.