

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR  
May 13, 2014, AND June 10, 2014**

The Eligibility and Disciplinary Committee (Committee) convened on May 13, 2014 and June 10, 2014. This report collectively summarizes the matters and decisions made at the time of the meeting<sup>1</sup>.

**Petitioners for Licensure**

The Committee considered nine (9) petitions for licensure:

1. Petitioner filed a petition for licensure based on a history of substance abuse issues, including two years spent in the Louisiana Recovery Nurse Program and the completion of an alcohol and polydrug dependency program as well as the issuance over ten years of seven consent orders from the Louisiana Board of Nursing. Petitioner provided correspondence from his treating physician indicating Petitioner is in stable sobriety with a good prognosis for continued sobriety. Petitioner is currently in the seventh year of a ten year Consent Order issued by the Louisiana Board of Nursing that placed both his CRNA privileges and professional nursing license on probation.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, and 16.

2. Petitioner filed a petition for licensure based on the offenses of Rape, Criminal Sexual Act, Sexual Misconduct and Sexual Abuse committed in 2011. Charges were dismissed on or about October 29, 2012. Additionally, Petitioner was arrested for the offenses of Interference with a Protection Order and Harassment, committed in 2011. On or about April 30, 2012 Petitioner entered a plea of Guilty to and was convicted of HARASSMENT, 2nd Degree. As a result Petitioner was placed on a conditional discharge for a period of one year, and order of protections for a period of two years.

Petitioner and Petitioner's attorney appeared in person. The Committee voted to **continue** the petition for licensure and requested Petitioner submit a Forensic Psychological Examination with Polygraph Examination.

3. Petitioner filed a petition for licensure based on the Class B Misdemeanor offense of Driving While Intoxicated, committed in 2000. Petitioner entered a plea of Nolo

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

Contendere and was convicted of the charge. As a result of the conviction, Petitioner was sentenced to confinement in the Travis County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, 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 September 5, 2002, Petitioner was discharged from probation. Additionally, Petitioner was charged with the Misdemeanor offense of Theft by Check, committed in 2006. Charges were dismissed on or about September 17, 2006. On or about January 8, 2009, Petitioner enrolled in and completed the Women's Intensive Residential Program due to substance abuse issues.

Petitioner and Petitioner's attorney appeared in person. The Committee voted to **grant** the petition with no stipulations.

4. Petitioner filed a petition for licensure based on the offense of Injury of Spouse committed in 1994. Petitioner was convicted and sentenced to confinement for a period of fifteen days, ordered to pay a fine and was placed on probation for a period of three years. Additionally, Petitioner was charged with Inflicting Corporal Injury on Spouse committed in 1995. Petitioner was convicted of the charge and sentenced to confinement for a period of two hundred seventy (270) days with one hundred ten (110) days credit given for time already served; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation for a period of three (3) years, and ordered to pay restitution in the amount of two hundred dollars (\$200.00), along with a fine. On or about August 29, 2003, the charge was set aside and probation was terminated. Petitioner submitted documentation of a psychological evaluation indicating Petitioner is a qualified candidate for licensing.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, Fine of \$500

5. Petitioner filed a petition for licensure based on the Felony offense of Intoxication Manslaughter with Vehicle committed in 2004. On or about April 26, 2006, Petitioner entered a plea of Guilty to Reckless Manslaughter. 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 ten (10) years.

Petitioner and Petitioner's attorney appeared in person. The Committee voted to **continue** the petition for licensure until Petitioner's probation issues have been successfully resolved.

6. Petitioner filed a petition for licensure based on the Felony offenses of Assault on a Public Servant, and Resisting Arrest, Search or Transportation committed in 2011. On or about January 5, 2012, 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 two (2)

years, and ordered to pay a fine and court costs. On or about July 17, 2012, Petitioner was discharged from probation.

Petitioner appeared by telephone. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, 10 X two years

7. Petitioner filed a petition for licensure based on the Felony offense of Assault on a Public Servant, committed in 2012. On or about April 3, 2013, Petitioner entered into a Pre-Trial Intervention Agreement.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, 10 X two years

8. Petitioner filed a petition for licensure based on the disclosure of a substance abuse issue. Petitioner disclosed participation in the Army Substance Abuse Program. Petitioner completed the treatment and was clinically discharged from the program on or about February 16, 2011.

Petitioner did not appear. It was the Committee's decision to **continue** the petition for licensure until such time that the Petitioner can attend a meeting.

9. Petitioner filed a petition for licensure based on the Misdemeanor offenses of Failure to Appear, Driving While License Suspended and Switched Tag, committed in 2003. On or about August 7, 2003, Petitioner entered a plea of Guilty and was convicted of Failure to Appear; Petitioner was ordered to pay a fine. On or about April 3, 2003, Petitioner entered a plea of Guilty and was convicted of Driving While License Suspended. On or about April 3, 2003, Petitioner entered a plea of Guilty and was convicted of Switched Tag. Petitioner was ordered to pay a fine. Petitioner failed to pay a balance left from the fine, and a warrant was issued. Additionally, Petitioner was charged with two misdemeanor offenses of Driving While License Suspended and Domestic Violence-Harassment, committed in 2006. On or about May 2, 2012, Petitioner entered a plea of Guilty and was convicted of Driving While License Suspended; Petitioner was ordered to pay a fine and court costs. On or about August 22, 2012, the charge of Domestic Violence-Harassment was dismissed. Also, Petitioner was charged with four misdemeanor counts of Fraud-Insufficient Funds-Checks, committed in 2012. On or about July 12, 2012, Petitioner agreed to pay restitution and court costs for all for charges.

Petitioner was issued a Consent Order by the Alabama State Board of Nursing on May 11, 2007. Petitioner failed to complete the requirements of the Order in the allotted time frame. Subsequently, Petitioner was issued a Consent Order by the Alabama State Board of Nursing on May 16, 2008. Petitioner has satisfied all terms and conditions of the May 16, 2008 Consent Order.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6a, 10 X one year

### **Petitioners for an Exception to a Previous Board Order**

The Committee considered eight (8) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated December 18, 2012, requesting that she be allowed to practice unsupervised. Petitioner completed all required coursework and paid the required fine. Petitioner has also completed one year and three months of the required two years of supervised practice. It was the Committee's decision to **deny** the request. The Order issued December 18, 2012, stands.
2. Petitioner requested an Exception to a previous Board Order dated January 26, 2012, requesting that he be released from the requirement to enter into the Texas Peer Assistance Program for Nurses (TPAPN). Petitioner stated he believes that due to the age of his criminal offenses and completion of probation, as well as no further criminal or substance abuse issues, he was not a suitable candidate for TPAPN. It was the Committee's decision to **grant** the request with the following stipulations: 1b, 1j, 4, 5, 6, 6a, 10, 11, 12, 14 X three years.
3. Petitioner requested an Exception to a previous Board Order dated June 11, 2013, requesting that he be allowed to work for a previous employer, practice unsupervised and that his drug screening frequency be modified. Petitioner and Petitioner's attorney presented evidence that Petitioner has not been employed since the issuance of the Order. Petitioner's counsel provided an offer of employment from a previous employer that indicated willingness to hire Petitioner again. It was the Committee's decision to **grant** the request to be employed by Petitioner's previous employer and to practice unsupervised. All other requests were denied.
4. Petitioner requested an Exception to a previous Board Order dated October 1, 2013, requesting that he be released from the Texas Peer Assistance Program for Nurses (TPAPN). Petitioner stated he completed a similar program in Virginia approximately seven years ago and does not feel he should have to complete a second program. It was the Committee's decision to **grant** the request, with the following stipulations: 1b, 1j, 4, 5, 6i, 10, 11, 12, 14 X 2 years.
5. Petitioner requested an Exception to a previous Board Order dated November 13, 2012, requesting that he be allowed to work for his previous employer, a home health company. Petitioner failed to appear at the meeting. However, it was the Committee's decision to allow Executive Director Katherine Thomas to approve employment with Petitioner's previous employer if a letter is received indicating this previous employer is willing to hire Petitioner again. If no letter is received, the Order issued November 13, 2012, stands.
6. Petitioner requested an Exception to a previous Board Order dated August 6, 2013, requesting that she be allowed to practice in home health. Petitioner failed to appear

at the meeting. Petitioner has not been employed in nursing since the issuance of the Order. It was the Committee's decision to **deny** the request. The Order issued August 6, 2013, stands.

7. Petitioner requested an exception to a previous Board Order dated August 9, 2012, requesting that the Order be dismissed or he be allowed to participate in the Extended Evaluation Program. Petitioner and Petitioner's attorney provided supporting documentation including letters of recommendation, and evidence that Petitioner is not at risk for substance abuse issues. It was the Committee's decision to **grant** a modification to the Board Order, with the following stipulations: 1b, 1j, 4, 5, 6i, 10, 11, 12 X 2 years.
8. Petitioner requested an Exception to a previous Board Order dated April 16, 2014, requesting reinstatement of his nursing license. Petitioner provided proof of psychological evaluation that indicated no substance abuse or inability to practice safely. Petitioner is currently awaiting the resolution of an investigation by the Louisiana Board of Nursing. It was the Committee's decision to **grant** the request, with the following stipulations: 1b, 1j, and compliance with the Louisiana Board of Nursing investigation.

### **Motions for Rehearing**

The Committee considered three (3) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant states she learned of revocation at the end of March, 2014. Movant stated she moved several years ago and changed her address with the Post Office but not the Board. Movant stated she thought the charges were still pending because she had not heard from the Board. 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.
2. Movant filed an untimely Motion for Rehearing this matter. Movant discovered his license had been revoked when attempting to renew his license. Movant admitted to changing his address with the Post Office but not directly with the Board. Movant was aware of investigation. Movant, in regard to the formal charges, admitted he violated hospital policy and took shortcuts related to medication administration and wastage. 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 stated she learned of the license revocation when applying for employment. Movant moved from address of record four years ago. Movant stated she believed she had changed her address when she last renewed her license. Movant stated that her charges have been expunged, however Movant did not provide any documentation supporting this claim. 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 eighteen (118) disciplinary agreed orders were approved.

Ten (10) reinstatement agreed orders were approved.

Thirty-six (36) eligibility agreed orders were approved.

Eighty-four (84) default revocation orders were approved.

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