

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR  
February 10, 2015, AND March 10, 2015**

The Eligibility and Disciplinary Committee (Committee) convened on February 10, 2015 and March 10, 2015. This report collectively summarizes the matters and decisions made at the time of the meeting<sup>1</sup>.

**Petitioners for Licensure**

The Committee considered four (4) petitions for licensure:

1. Petitioner filed a petition for licensure by exam based on the offense of Possession of Marijuana, a Class B misdemeanor offense, committed in December 1999. Petitioner entered a plea of Nolo Contendere on or about April 28, 2000. 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 one (1) year, and ordered to pay a fine and court costs. On or about September 7, 2000, Petitioner was discharged from probation.

Additionally, Petitioner was arrested for the offense of Burglary of a Vehicle, a Class A misdemeanor offense, committed in November 1996. On or about April 24, 1997, the case was dismissed, for the reason: "Accepted into 1 year Pre-trial diversion program."

Petitioner underwent a chemical dependency evaluation. The evaluation indicated frequent drug and alcohol screens would be recommended. A proposed Agreed Order was sent to Petitioner, however, Petitioner declined to accept an Order that included monitoring of any kind. Petitioner submitted numerous letters of reference and had a potential employer appear with him.

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

2. Petitioner filed a petition for licensure by exam based on the offense of Injury to a Child, a First Degree Felony offense, committed in December 2001. Petitioner entered a plea of Guilty to and was convicted of Injury to a Child on or about September 16, 2004. As a result of the conviction, Petitioner was sentenced to confinement in the Institutional Division, Texas Department of Criminal Justice, for a period of six (6) years, and ordered to pay court costs. On or about September 13, 2010, Petitioner was discharged from probation.

---

<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.

Petitioner submitted documentation of a psychological evaluation. The evaluation indicated that the Petitioner could benefit from long term psychotherapy and psychoactive medication. Psychological test data indicated a variety of moderately severe psychological problems. Petitioner's judgment is considered suspect, and particularly if she is under stress, she may react impulsively and unpredictively. Based on the concerns, it is not possible to state at this time with reasonable psychological certainty that Petitioner would be able to behave consistently in accordance with the requirements of Board Rules, or that she would avoid behaviors identified by the Board as constituting unprofessional conduct.

Petitioner appeared in person. The Committee voted to **deny** the petition for licensure.

3. Petitioner filed a petition for licensure by exam based on the Class B Misdemeanor offense of Evading Arrest, committed in October, 1993. On or about May 7, 1997, this case was dismissed for the following reason: "This unprosecuted aged 1993 case does not justify the expense, location of witnesses, etc., to prosecute and should be dismissed for administration purpose of clearing the court's docket."

Additionally, Petitioner was arrested on or about August 4, 1994 for the Class A Misdemeanor offense of Assault Causing Bodily Injury and the Class A Misdemeanor offense of Criminal Mischief, committed in July 1994. On or about March 31, 1997, this case was dismissed for the following reason: "Evidence is so contradictory successful prosecution is unlikely and full restitution has been made."

Additionally, Petitioner was arrested on or about April 22, 1997, for the Class A Misdemeanor offense of Assault, committed on the same day. On or about August 14, 1997, this case was dismissed for the following reason: "Defendant was divorced from victim on August 6, 1997 and upon his assurance he is to pay victim's medical bills resulting from their incident, this cause should be dismissed without prejudice and without cost of Court assessed against Defendant."

Additionally, Petitioner was arrested on or about July 17, 2002, for the Class A Misdemeanor offense of Assault Causes Bodily Injury/Family Member, committed on the same day. On or about March 4, 2003, this case was dismissed to a plea in another case.

Additionally, Petitioner was arrested on or about July 22, 2002, for the Class A Misdemeanor offense of Violating a Protective Order, committed on the same day. On or about March 4, 2003, Petitioner entered a plea of Guilty/Nolo Contendere and was convicted of the offense. As a result of the conviction, Petitioner was sentenced to confinement for a period of thirty (30) days; however, imposition of the sentence of confinement was suspended, and Petitioner was

placed on probation for a period of six (6) months, and ordered to pay a fine and court costs. On or about December 16, 2003, Petitioner completed the terms of probation and was discharged.

Additionally, Petitioner was arrested on or about August 22, 2003 for the Class B Misdemeanor offense of Terroristic Threat and the Class A Misdemeanor offense of Violating a Protective Order committed on or about July 28, 2003. On or about August 22, 2003, Petitioner entered a plea of Guilty to the second charge. As a result of the conviction, Petitioner was sentenced to confinement 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 one (1) year, and ordered to pay a fine and court costs. On or about August 24, 2004, Petitioner was discharged from probation.

Petitioner underwent a forensic psychological exam and polygraph which indicated that although Petitioner has not had any incident occur in the past eleven years, it cannot be recommended to license Petitioner as there is no system of supervision in the workplace that could assure Petitioner was being managed effectively.

Petitioner provided several letters of reference as well as indicated an employment opportunity would be waiting for him should he be approved to take, and subsequently pass, the NCLEX Exam.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, 4, 5, 6, 6a, 10, 13a X 2 years.

4. Petitioner filed a petition for licensure by endorsement based on the Class C Misdemeanor offense of Issuance of a Bad Check, committed on April 12, 1999. On or about September 7, 1999, Petitioner entered a plea of Nolo Contendere. As a result of the plea, Petitioner was ordered to pay a fine and court costs.

Additionally, Petitioner was arrested for the State Jail Felony offense of Possession of a Controlled Substance PG 3<28G, the First Degree Felony Offense of Possession of a Controlled Substance PG 1>=200G<400G, and the Second Degree Felony Offense of Possession PG 2>=4G<400G, committed on January 28, 2000. The 1st Degree felony offense was dropped by the arresting agency. On or about April 27, 2000, Petitioner entered a plea of Guilty to the Second Degree Felony 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 ten (10) years, and ordered to pay court costs. On or about September 10, 2003, Respondent's probation granted under this plea was revoked. As a result, Petitioner was adjudged guilty of the Second Degree Felony offense and sentenced to confinement in the Texas State Penitentiary for a period of two (2) years with credit given for time already served, and ordered to pay court costs. On or about March 12, 2005, Petitioner was discharged by the Board of Pardon and Parole.

On or about May 3, 2000, Petitioner entered a plea of Nolo Contendere to a lesser charge Class A misdemeanor offense of Possession of a Controlled Substance. 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 eighteen (18) months, and ordered to pay a fine and court costs. On or about March 20, 2002, Petitioner was discharged from probation.

Petitioner submitted letters of support, and a positive work history with performance reviews.

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, 11, 12 X 2 years.

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

The Committee considered eleven (11) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated September 10, 2013, requesting that his suspension be lifted. Petitioner provided only one letter of reference, in which the writer indicated it was their opinion Petitioner would be an asset if allowed to return to direct patient care. Petitioner also indicated completion of continuing education courses. However, Petitioner's last psychological evaluation indicated Petitioner was not safe to practice direct patient care. No new evaluation was provided. It was the Committee's decision to **continue** the request until a new forensic evaluation and recommendations have been completed. The Order issued September 10, 2013, stands. Petitioner has not been rescheduled.
2. Petitioner requested an Exception to a previous Board Order dated September 9, 2014, requesting that she be released from participation in the Texas Peer Assistance Program for Nurses (TPAPN). Petitioner indicated that she did not believe TPAPN was the right option, as her situation was, in Petitioner's opinion, not typical of TPAPN. It was the Committee's decision to **grant** the request with the following stipulations: 1b, 1j, \$500 fine, 4, 5, 6a, 7, 8, 9, 10, 11,12 X 3 years.
3. Petitioner requested an Exception to a previous Board Order dated July 18, 2013, requesting that her current stipulations be removed. Petitioner provided a letter from her current physician indicating that a previous mental health diagnosis was no longer correct. It was the Committee's decision to **grant** the request.
4. Petitioner requested an Exception to a previous Board Order dated December 8, 2009, requesting she be issued an unencumbered license. Petitioner provided positive performance reviews from her work at a hospital and also provided letters of recommendation. Petitioner has completed one full year of the two year Order. It was the Committee's decision to **grant** the request.

5. Petitioner requested an Exception to a previous Board Order dated August 19, 2011, requesting that she be released from participation in the Texas Peer Assistance Program for Nurses (TPAPN). Petitioner provided a letter from her physician indicating Petitioner has been stable and with her current medication regimen she will remain stable. It was the Committee's decision to **grant** the request.
6. Petitioner requested an Exception to a previous Board Order dated August 19, 2014, requesting that the supervision requirement be removed. Petitioner has completed all required education courses. Petitioner advised of his difficulty in finding employment with a strict supervision stipulation. Petitioner also indicated during the meeting that the frequency of his drug tests were of concern. It was the Committee's decision to **grant** the request with the following stipulations: change 6a to 6i and decrease the frequency of required drug screens.
7. Petitioner requested an exception to a previous Board Order dated September 13, 2011, requesting that she be issued an unencumbered license. Petitioner submitted letters of reference from former teachers, clients and employers. Petitioner has also completed the majority of his stipulations, including taking all required courses and paying a fine. It was the Committee's decision to **grant** the request.
8. Petitioner requested an Exception to a previous Board Order dated May 13, 2014, requesting modification of the Order. Petitioner completed the required courses. Petitioner indicated she has been unable to find employment in order to complete the supervision requirements of the Order. Petitioner provided no other mitigating circumstances. It was the Committee's decision to **deny** the request. The Order issued May 13, 2014, stands.
9. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting that she be issued an unencumbered license. Petitioner submitted documentation indicating the criminal case underlying the issuance of the Order was dismissed, although unsatisfactorily due to the inability to pay her fines. Petitioner has completed all education requirements. It was the Committee's decision to **deny** the request. The Order issued January 23, 2014, stands.
10. Petitioner requested an Exception to a previous Board Order dated June 23, 2014, requesting that she not have to travel to Texas to complete the Nursing Jurisprudence and Ethics Course. Petitioner indicated she has moved from Texas with no intention of practicing here, and is also the main care provider for her daughter. It was the Committee's decision to **deny** the request, however, Petitioner was granted a one year extension to complete the required course. The Order issued June 23, 2014, stands.
11. Petitioner requested an Exception to a previous Board Order dated December 14, 2010, requesting that her stipulations be removed. Petitioner indicated a recent health issue has prevented her from working the required number of hours

for supervision. It was the Committee's decision to **deny** the request. The Order issued December 14, 2010, stands.

### **Motions for Rehearing**

The Committee considered seven (7) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant did not appear. Movant states she learned of revocation on January 9, 2015. Movant stated that she has received newsletters from the Board but not previously sent certified mail. Movant indicated she answered no to having been arrested based on information provided to her by her attorney. 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 in this matter. Movant stated she indicated an address change in her renewal she submitted along with a response to the formal charges. Movant plead guilty to a felony possession charge, but provided a letter of support from the presiding judge. It was the Committee's decision to **Grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
3. Movant filed a timely Motion for Rehearing in this matter. Movant stated he had not filed a response because his charges were still pending. Movant indicated the charges brought against him are frivolous and made by a vindictive ex-girlfriend. It was the Committee's decision to **Grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
4. Movant filed a timely Motion for Rehearing in this matter. Movant stated she was unable to receive her mail because the receptacles at her residence were knocked down and never repaired. Movant admits to pleading guilty to two misdemeanor 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).
5. Movant filed an untimely Motion for Rehearing in this matter. Movant moved to a new address but failed to notify the Board. Movant claims to have completed all of the required coursework but cannot locate completion paperwork. Movant has been employed for three years but has failed to provide employer reports as required. 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 in this matter. Movant claims to have sent two change of address notices to the Board. The Board has no record of the requests. Movant describes the circumstances surrounding her criminal record, but claims to not remember answering no to eligibility questions, but does remember submitting a letter of explanation. It was the Committee's decision to **Grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).

7. Movant filed a timely Motion for Rehearing in this matter. Movant states she ended an abusive marriage and moved from her residence, but failed to change her address with the Board. Movant indicated that she could not afford to pay her fine or take the required courses. Movant failed to submit a notification of employment. 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-nine (129) disciplinary agreed orders were approved.

Eight (8) reinstatement agreed orders were approved.

Twenty-one (21) eligibility agreed orders were approved.

One hundred thirty-one (131) default revocation orders were approved.

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

Five (5) KSTAR Pilot Program agreed orders were approved.