

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
AUGUST 11, 2015, AND SEPTEMBER 8, 2015**

The Eligibility and Disciplinary Committee (Committee) convened on August 11, 2015 and September 8, 2015. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered four (4) petitions for licensure:

1. Petitioner filed a petition for declaratory order based on the offense of Theft of Property >=\$500, a Class B misdemeanor, in January 2009. Petitioner entered a plea of Guilty and was convicted of Theft \$50-\$500, a Class B misdemeanor on or about March 4, 2009. 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 nine (9) months and was ordered to pay a fine and court costs. On or about December 9, 2009, Petitioner completed the terms and conditions of probation and was discharged. On or about October 21, 2010, Petitioner was granted an Order of Non-Disclosure.

Additionally, Petitioner was arrested in December 2008 for Possession of Controlled Substance 3<28 Grams, a misdemeanor offense. The charge was dismissed.

Petitioner was issued a Board Order on or about August 12, 2009, by the Texas State Board of Pharmacy, revoking her pharmacy technician license. The disciplinary action was taken as a result of diverting hydrocodone and alprazolam tablets and promethazine with codeine syrup.

Petitioner provided several letters of support.

Petitioner appeared in person. The Committee voted to ***continue*** the petition for licensure pending the results of a forensic psychological evaluation.

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 filed a petition for declaratory order based on the offense of Possession of Controlled Substance PG 1>=4G<200G, a Second Degree felony offense, in March 2009. On or about April 15, 2010, Petitioner entered a plea of Nolo Contendere to the lesser included offense of POSSESSION OF A DANGEROUS DRUG-CODEINE, a Class A misdemeanor offense committed on March 6, 2009. 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. On or about April 21, 2011, Petitioner completed the terms of probation and was discharged.

Additionally, Petitioner was arrested for Interference with Public Duties, A Class B misdemeanor offense. No charges were filed.

Petitioner underwent a forensic psychological evaluation with polygraph exam which recommended Petitioner obtain counseling and submit to another polygraph examination in approximately six months in order to determine whether she can respond to the questions in an honest and reliable fashion.

Petitioner did not appear in person and could not be reached by telephone. The Committee voted to **continue** the petition for licensure to give the Petitioner an opportunity to appear.

3. Petitioner filed an application for licensure by endorsement based on the offense of POSSESSION WITH INTENT TO DELIVER, a Class D felony offense, in August 2010. On or about March 7, 2011, Petitioner pled Guilty to CONSPIRACY TO POSSESS WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE (a Class D felony offense committed on August 12, 2010). 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.

Petitioner provided numerous letters of reference.

Petitioner appeared by telephone. The Committee voted to **continue** the petition pending the results of a forensic psychological evaluation.

4. Petitioner filed a petition for declaratory order based on the offense of 11 counts of EMBEZZLE-BANKING-TYPE INST, a felony offense, in December 2011. On or about September 10, 2012, Petitioner entered a plea of Guilty and was convicted of Count 1 BANK FRAUD, AIDING AND ABETTING, a felony offense,

On or about February 18, 2015, Petitioner was placed on probation for a period of three (3) years, and ordered to pay restitution in the amount of nine eight-thousand eight-hundred fifty-four dollars and fifty cents (\$98,554.50), along with a fine and court costs. In addition, Petitioner was also charged with Count 2-11 BANK FRAUD, felonies. On or about February 18, 2015, the charges were dismissed.

Petitioner provided several letters of reference.

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

Petitioners for an Exception to a Previous Board Order

The Committee considered six (6) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated September 11, 2012, requesting to be allowed to work nights or critical care telemetry. Petitioner indicated a potential employer would hire him if he were allowed to work nights or critical care telemetry. It was the Committee's decision to **deny** the request to work nights or critical care telemetry, but to **grant** an exception that would allow supervision by a physician in a clinical setting.
2. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting her Order be changed from direct supervision to indirect supervision by physician or RN. Petitioner submitted letters of recommendation from her employers citing her professionalism. It was the Committee's decision to **grant** an exception that would allow supervision by a physician in a clinical setting.
3. Petitioner requested an Exception to a previous Board Order dated April 18, 2013, requesting her Texas stipulations be removed and that she be allowed to work in Georgia. Georgia Board of Nursing offered Petitioner an order to lift her suspension with a consent order with standard monitoring, but Petitioner declined to enter into that agreement. It was the Committee's decision to **deny** the request to remove her stipulations in Texas in order to allow her to work in Georgia. The Order issued April 18, 2013, stands.
4. Petitioner requested an Exception to a previous Board Order dated December 9, 2014, requesting she be issued an unencumbered license. Petitioner submitted letters of evaluation and several letters of recommendation. It was the Committee's decision to **deny** the request. The Order issued December 9, 2014, stands.
5. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting she be allowed to work in home health. Petitioner advised of her difficulty in finding employment with a supervision stipulation and had financial difficulties preventing her from paying her fine. She also asked permission to work for a specific home case. It was the Committee's decision to **grant** supervision by a physician in a clinical setting and a 6-month extension to pay her fine.
6. Petitioner requested an exception to a previous Board Order dated August 6, 2013, requesting that she be allowed to work unsupervised for up to 2-3 hours per shift. Petitioner stated she has had difficulty obtaining employment. It was the Committee's decision to **grant** the request and to change her order from 6a to 6i.

Motions for Rehearing

The Committee considered eleven (11) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of revocation on July 2, 2015. Movant stated that she moved and did not update her address with the Board. Movant does not believe she has a problem with alcohol. 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 in this matter. Movant stated she learned of the revocation on or about July 10, 2015. Movant stated she moved and did not update her address with the Board. 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 that the address to which the Board sent correspondence to her was correct, but that she had issues with the U.S. Postal Service with receiving mail at her address. Movant did not deny using restraints on a resident, but reasoned it was for the protection of the patient. 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 an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on July 23, 2015. Movant confirmed that the address with the Board is current, but personal issues prevented her from responding to Board correspondence. 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 an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on August 4, 2015. Movant believed the Board had her correct address as she received Board newsletters on a regular basis. Movant believed her criminal history was not relevant to nursing on the advice of 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).
6. Movant filed a timely Motion for Rehearing in this matter. Movant stated she learned of the revocation on August 12, 2015. Movant believed she updated her address with her renewal. Movant claimed difficulty with computer access as the reason she was unable to complete the course requirements in compliance with her 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.
7. Movant filed an untimely Motion for Rehearing in this matter. Movant states she learned of the revocation on August 8, 2015. Movant was hospitalized for a mental breakdown and is residing in a halfway house. Movant claimed her arrest for aggravated assault and subsequent suspension of her nursing license in Louisiana were related to her mental illness. 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 in this matter. Movant stated she learned of the revocation on June 23, 2015. Movant stated she moved but did not update her address with the Board. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
9. Movant filed a timely Motion for Rehearing in this matter. Movant stated she learned of the revocation on August 13, 2015. Movant stated she was out of town for a length of time and did not receive any correspondence from the Board. Movant explained she did not intentionally falsify documents. 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.
10. Movant filed an untimely Motion for Rehearing in this matter. Movant stated he learned of the revocation on June 2, 2015. Movant stated he was moved but did not update his address with the Board. Movant stated he was trying to comply with the Board Order and submitted proof of completion of some of the courses. It was the Committee's decision to **grant** the motion, as the Movant provided information sufficient to comply with Board Rule 213.16(j).
11. Movant filed a timely Motion for Rehearing in this matter. Movant stated she learned of the revocation on August 18, 2015. Movant stated she had issues with the computer system to document medications. 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 fifty-six (156) disciplinary agreed orders were approved.

Six (6) reinstatement agreed orders were approved.

Twenty-seven (27) eligibility agreed orders were approved.

One hundred twenty-one (121) default revocation orders were approved.

Two (2) deferred disciplinary action agreed orders were approved.

Three (3) KSTAR Pilot Program agreed orders were approved.