

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
February 9, 2016, AND March 8, 2016**

The Eligibility and Disciplinary Committee (Committee) convened on February 9, 2016 and March 8, 2016. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered three (3) petitions for licensure:

1. Petitioner filed a petition for declaratory order based on the offense of Count 1 DUI/ALCOHOL, and Count 2 DUI ALCOHOL/0.08 PERCENT, misdemeanor offenses committed on or about May 26, 2014 in Los Angeles, California. On or about October 27, 2014, the charges were dismissed in the Superior Court, Los Angeles County, California.

Additionally, Petitioner was enrolled in the outpatient program at the Army Substance Abuse Program (ASAP), Joint Base San Antonio-Fort Sam Houston, Texas, on May 6, 2015, following a self-referral over concern of his use of Dextromethorphan. Petitioner agreed to adhere to a treatment plan which consisted of complete abstinence of dextromethorphan/alcohol /psychoactive substances, individual and group counseling sessions, alcohol/drug education, and rehabilitation drug testing. Petitioner was released from ASAP in December 2015.

Petitioner provided several letters of support.

Petitioner appeared in person. The Committee voted to **grant** the Petitioner an unencumbered license.

2. Petitioner filed a petition for declaratory order based on the offense THEFT OF PROPERTY >=\$1500 <\$20K BY CHECK, a State Jail felony offense on or about July 8, 2011 in Houston, Texas. On or about October 6, 2011, Petitioner entered a plea of Guilty to THEFT >=\$1,500 <\$20K BY CHECK, a State Jail felony offense committed on July 8, 2011, in the 230th District Court of Harris County, Texas. 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. On or about August 6, 2013, Petitioner completed the terms and conditions of probation and was discharged.

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

On August 5, 2014, Petitioner was issued an Agreed Order by the Board of Pharmacy for the State of Texas, suspending her permit for a period of five (5) years. The disciplinary action was taken as a result of Petitioner's criminal history.

Petitioner provided several letters of recommendation and reference.

Petitioner appeared in person. The Committee voted to **grant** the petition with the following stipulations: NCSBN course Critical Thinking; Nursing Jurisprudence and Ethics; notify present/future employers of the board order; submit notification of employment; indirect supervision; and provide employer reports for a period of two years.

3. Petitioner filed a petition for declaratory order based on the offense of DWI, a misdemeanor offense committed on September 11, 2009. On or about March 4, 2011, Petitioner entered a plea of Nolo Contendere and was convicted of DWI, a misdemeanor offense in Travis County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Travis County Jail for a period of fourteen (14) days, and ordered to pay a fine and court costs.

In addition, on or about March 4, 2011, Petitioner entered a plea of Guilty and was convicted of DWI, a misdemeanor offense committed on March 19, 2010, in Travis County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Travis County Jail for a period of twelve (12) days, and ordered to pay a fine and court costs.

A chemical dependency evaluation was completed on the Petitioner on November 18, 2015. The evaluation noted that Petitioner has a criminal history of two arrests and convictions for DWI that occurred within a period of eight months, and that such a history is often indicative of individuals who are either dependent on alcohol or slow to learn from past mistakes. The evaluator recommended that Petitioner be supervised within the TPAPN program for one year. In addition Petitioner should attend AA meeting at least three times per week for six consecutive months. Petitioner should also have an active and ongoing relationship with a sponsor in the 12-step program that includes weekly face-to-face contact with her sponsor. Furthermore Petitioner should submit a random urinalysis on a monthly basis for two years.

Petitioner was offered an Agreed Eligibility Order for participation in TPAPN, but declined to sign the order.

Petitioner provided several letters of support.

Petitioner appeared in person. The Committee voted to **continue** the petition until Petitioner had an opportunity to review the chemical dependency evaluation.

Petitioners for an Exception to a Previous Board Order

The Committee considered twelve (12) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated November 26, 2013, requesting the voluntary surrender be vacated or set aside. The Petitioner also requested reinstatement of her license. The Petitioner's attorney provided additional documentation for consideration. It was the Committee's decision to **deny** the request to vacate or set aside the Order. The petition for reinstatement was previously scheduled for consideration at a later date. The Committee asked Staff to arrange an earlier date for consideration of the reinstatement if there is availability on the docket. The Order issued November 26, 2013 stands.
2. Petitioner requested an Exception to a previous Board Order dated November 5, 2010, requesting she be released from participation in the Texas Peer Assistance Program for Nurses (TPAPN). It was the Committee's decision to **continue** the request to be released from TPAPN pending the results of a chemical dependency (CD) evaluation. The Committee also permitted the Executive Director to make a determination regarding the exception request upon review of the CD evaluation.
3. Petitioner requested an Exception to a previous Board Order dated April 18, 2013, requesting she be allowed to work without supervision. It was the Committee's decision to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
4. Petitioner requested an Exception to a previous Board Order dated June 10, 2014, requesting removal of the indirect supervision stipulation. It was the Committee's decision to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
5. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting an unencumbered license. Petitioner provided performance evaluations from her current employer. It was the Committee's decision to **grant** a modification to the Order from indirect supervision to incident reporting.
6. Petitioner requested an Exception to a previous Board Order dated April 16, 2014, requesting she be allowed to work with multiple employers and in home health. It was the Committee's decision to **deny** the request to work with multiple employers and in home health. The Order issued April 16, 2014 stands.
7. Petitioner requested an Exception to a previous Board Order dated January 17, 2013, requesting he be allowed to return to direct patient care. Petitioner provided many letters of support and other documentation of awards and published works. It was the Committee's decision to **grant** the Petitioner's request to return to direct patient care with the following stipulations: Petitioner

shall successfully complete a board approved course in nursing jurisprudence and ethics and complete the NCSBN course Critical Thinking; Petitioner shall notify present/future employers of the board order; shall submit notification of employment; Petitioner shall have indirect supervision for the duration of the Order; abstain from drugs and alcohol; submit to random screens; and shall provide employer reports for a period of one year.

8. Petitioner requested an Exception to a previous Board Order dated April 16, 2014, requesting her practice in Missouri count towards her compliance with her Texas Order. It was the Committee's decision to **grant** the request for her practice in Missouri to count towards her Board Order as long as Petitioner provides the proper documentation to Staff.
9. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting she be allowed to return to direct patient care. It was the Committee's decision to **grant** the Petitioner's request to return to direct patient care with the following stipulations: Petitioner shall successfully complete an RN refresher course; Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics and complete the NCSBN course Critical Thinking; Petitioner shall notify present/future employers of the board order; shall submit notification of employment; Petitioner shall have direct supervision for the first year of the Order and indirect supervision for the remainder of the Order; abstain from drugs and alcohol; submit to random screens; submit therapy reports; and shall provide employer reports for a period of two years.
10. Petitioner requested an Exception to a previous Board Order dated April 16, 2014, requesting she be allowed to practice unsupervised. The Petitioner did not appear at the meeting and could not be reached. It was the Committee's decision to **continue** the request and to allow the Executive Director to make a determination regarding the exception request.
11. Petitioner requested an Exception to a previous Board Order dated June 8, 2010, requesting an unencumbered license to further her education. It was the Committee's decision to **grant** a return to direct patient care with the following stipulations: Petitioner shall successfully complete an RN refresher course; Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics and complete the NCSBN course Critical Thinking; Petitioner shall notify present/future employers of the board order; shall submit notification of employment; Petitioner shall have direct supervision for the first year of the Order and indirect supervision for the remainder of the Order; and shall provide employer reports for a period of two years.
12. Petitioner requested an Exception to a previous Board Order dated October 23, 2014, requesting an unencumbered license. It was the Committee's decision to **grant** a modification to the Order to allow Petitioner to work with a specific employer as second employment.

Motions for Rehearing

The Committee considered seven (7) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant's attorney stated that his client moved to a new address but did not update 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).
2. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on November 23, 2015. Movant stated she failed to update her new address with 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.
3. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on January 6, 2016. Movant received Formal Charges but did not respond. 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 an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on January 13, 2016. Movant stated she has problems receiving her mail. 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 stated he learned of the revocation on February 16, 2016. Movant received the notices and responded to investigator but misunderstood further action would be taken for his noncompliance. 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 an untimely Motion for Rehearing in this matter. Movant stated he learned of the revocation on November 19, 2015. Movant stated he moved to a new address, but did not update anyone. 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 an untimely Motion for Rehearing in this matter. Movant stated she did not receive any of the Board correspondence as she moved out of state. 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 thirty-seven (137) disciplinary agreed orders were approved.

Six (6) reinstatement agreed orders were approved.

Thirty-one (31) eligibility agreed orders were approved.

One hundred eighteen (118) default revocation orders were approved.

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

Four (4) KSTAR Pilot Program agreed orders were approved.