

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR  
November 10, 2015, AND December 8, 2015**

The Eligibility and Disciplinary Committee (Committee) convened on November 10, 2015 and December 8, 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 three (3) petitions for licensure:

1. Petitioner filed a petition for declaratory order based on the offense of POSS MARIJ<2 OZ, a Class B misdemeanor offense, and UNL POSS DANGEROUS DRUG, a Class A misdemeanor offense, in March 2007. Petitioner entered a plea of Guilty and was convicted of POSS OF MARIJUANA 0-2 OZ, a Class B misdemeanor offense, and POSS OF A DANGEROUS DRUG, a Class A misdemeanor offense committed on or about March 14, 2007. As a result of the conviction, Petitioner was sentenced to confinement in the Harris County Jail for a period of six (6) with three (3) days credit given for time already served, and ordered to pay court costs.

In addition, Petitioner was arrested by the Pearland Police Department, Pearland, Texas, for POSS MARIJ < 2OZ, a Class B misdemeanor offense in March 2008. On or about October 27, 2008, Petitioner entered a plea of Guilty to lesser charge of FAILURE TO MAINTAIN SINGLE MARKED LANE, a Class C misdemeanor offense committed on March 12, 2008. 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) months, and ordered to pay a fine and court costs.

Further, Petitioner was arrested by the Webster Police Department, Webster, Texas, for POSS CS PG 3<28G, a Class A misdemeanor offense, and POSS MARIJ<2OZ, a Class B misdemeanor offense in April 2008. Petitioner was subsequently charged with POSSESSION OF A CONTROLLED SUBSTANCE, a Class A misdemeanor offense committed on or about April 8, 2008. On or about July 10, 2008, the charges were dismissed.

Petitioner underwent a chemical dependency evaluation which recommended that Petitioner receive outpatient substance abuse education and counseling, as well as enrollment in a monitoring program such as is offered by TPAPN.

---

<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 provided several letters of support.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: NCSBN course Critical Thinking; \$350.00 fine; notify present/future employers of the board order; submit notification of employment; direct supervision for the first year of the Order and indirect supervision for the remainder of the Order; no night shifts, no critical care, and no administration of drugs for the first year; abstain from drugs and alcohol; submit to random screens; attend support groups; and provide employer reports for a period of three years.

2. Petitioner filed an application for licensure by endorsement with a criminal history. Petitioner was arrested by the Norfolk Police Department, Norfolk, Virginia, for PUBLIC SEARING OR INTOXICATION, a misdemeanor offense, and RESIST ARREST, OBSTRUCT JUSTICE W/O THREATS/FORCE, a Class 1 misdemeanor offense in November 2005. Petitioner was subsequently charged with RESIST ARREST, OBSTRUCT JUSTICE W/O THREATS/FORCE, a Class 1 misdemeanor offense committed on or about November 5, 2005. Petitioner was also charged with RESIST ARREST, DISORDERLY CONDUCT, a misdemeanor offense, and OBSTRUCT JUSTICE W/O THREATS/FORCE, a Class 1 misdemeanor offense, but the charges were dismissed. On or about February 22, 2006, Petitioner entered a plea of Guilty and was convicted of DRUNK IN PUBLIC, a Class 4 misdemeanor offense committed on November 5, 2005. As a result of the conviction, Petitioner was ordered to pay a fine.

In addition, on or about February 1, 2008, Petitioner entered a plea of Not Guilty and was convicted of OBSTRUCT JUSTICE, a Class 2 misdemeanor offense committed on December 26, 2007 in Hampton, Virginia. As a result of the conviction, Petitioner was ordered to a fine. On or about February 1, 2008, Petitioner entered a plea of Not Guilty and was convicted of BREACH OF PEACE, a Class 2 misdemeanor offense committed on December 26, 2007 in Hampton, Virginia. As a result of the conviction, Petitioner was sentenced to confinement for a period of thirty (30) days, and Petitioner was placed on probation for a period of one (1) year, and ordered to pay a fine.

Additionally, on or about February 7, 2008, Petitioner was arrested by the Virginia State Police, and for DRIVING UNDER THE INFLUENCE OF ALCOHOL, a misdemeanor offense. On or about April 18, 2008, Petitioner was convicted of DWI: 1ST OFF, BAC .15-.20%, a Class 1 misdemeanor offense committed on February 7, 2008. As a result of the conviction, Petitioner was sentenced to confinement for a period of thirty (30) days with five (5) 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 two (2) years, and ordered to pay a fine and court costs.

Further, on or about March 22, 2008, Petitioner was arrested by the Hampton Police Department, Hampton, Virginia, and subsequently charged for ASSAULT & BATTERY-FAMILY MEMBER, a misdemeanor offense. On or about June 10, 2008, Petitioner entered a plea to ASSAULT & BATTERY-FAMILY MEMBER, a misdemeanor 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 two (2) years, ordered to complete and anger management class, and pay court costs.

Finally, on or about May 13, 2009, Petitioner was arrested by the Virginia State Police, and subsequently charged with PROFAN LANG OVER PUBLIC AIRWAY, a misdemeanor offense committed on April 10, 2009. On or about May 29, 2009, the charge was dismissed.

Petitioner provided several letters of recommendation and reference.

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

3. Petitioner filed a petition for declaratory order based on an arrest by the Federal Bureau of Investigation, New Orleans, Louisiana, for the offense of FRAUDS AND SWINDLES, a felony offense, committed on or about September 11, 2009. On or about February 25, 2010, Petitioner entered a plea of Guilty and was convicted of 18 USC 1341 MAIL FRAUD, a federal offense. As a result of the conviction, Petitioner was placed on probation for a period of three (3) years, and was ordered to pay restitution in the amount of eight thousand four hundred ninety dollars (\$8,490.00), along with a fine and court costs. On or about August 10, 2013, Petitioner completed the terms and conditions of probation and was discharged with an outstanding restitution balance of six thousand four hundred ninety dollars (\$6,490.00).

Petitioner appeared by telephone. 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; direct supervision; and provide employer reports for a period of two years.

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

The Committee considered ten (10) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated April 16, 2014, requesting she be allowed to work in home health. The Petitioner submitted several letters of reference. It was the Committee's decision to **grant** the request to work in home health and to modify the Board Order from indirect supervision to incident reporting.

2. Petitioner requested an Exception to a previous Board Order dated August 19, 2014, requesting he be allowed to work in home health. Petitioner submitted information to demonstrate his sobriety and letters of reference. It was the Committee's decision to **deny** the request to work in home health, but to modify the Order to allow supervision by a physician in a clinical setting.
3. Petitioner requested an Exception to a previous Board Order dated March 30, 2012, requesting she be allowed to withdraw from TPAPN. The Petitioner submitted several letters of reference and documentation of compliance with probation. It was the Committee's decision to **grant** the request to allow her to withdraw from TPAPN 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; abstain from drugs and alcohol; submit to random screens; submit therapy reports; and provide employer reports for a period of one year.
4. Petitioner requested an Exception to a previous Board Order dated July 12, 2010, requesting her stipulations be reevaluated. Petitioner submitted a forensic chemical dependency evaluation. It was the Committee's decision to **grant** the request 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 to include supervision by a physician in a clinical setting; abstain from drugs and alcohol; submit to random screens; and provide employer reports for a period of one year.
5. Petitioner requested an Exception to a previous Board Order dated November 9, 2010, requesting she be allowed to practice without supervision. Petitioner advised of her difficulty in finding employment with a supervision stipulation. It was the Committee's decision to **grant** direct supervision by a physician in a clinical setting.
6. Petitioner requested an Exception to a previous Board Order dated September 9, 2014, requesting he be allowed an unencumbered license. Petitioner advised he had difficulty in finding employment with a supervision stipulation. It was the Committee's decision to **grant** direct supervision by a physician in a clinical setting.
7. Petitioner requested an Exception to a previous Board Order dated May 12, 2009, requesting he be allowed to night shifts and critical care. Petitioner submitted evidence of his sobriety and letters of support. It was the Committee's decision to **grant** a modification to the Order to add the stipulation for complete a refresher course, to allow direct supervision by a physician in a clinical setting, and to allow night shifts and critical care.
8. Petitioner requested an Exception to a previous Board Order dated November 12, 2014, requesting he be allowed access to controlled substances. It was the

Committee's decision to **deny** the request for access to controlled substances. The Order issued November 12, 2014 stands.

9. Petitioner requested an Exception to a previous Board Order dated June 17, 2013, requesting she be allowed to return to direct patient care from a limited license. The Petitioner submitted several letters of support. It was the Committee's decision to **grant** the request to return to direct patient care with the understanding that she must complete the remaining stipulations from her June 11, 2013 Agreed Order.
10. Petitioner requested an Exception to a previous Board Order dated July 23, 2015, requesting his suspension be lifted and he be allowed to sit for the RN NCLEX examination. The Petitioner submitted a psychological evaluation for consideration. It was the Committee's decision to **deny** the request to lift the suspension. The Order issued July 23, 2015 stands.

### **Motions for Rehearing**

The Committee considered ten (10) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of revocation on October 15, 2015. Movant stated that she was between two addresses and her children did not sign for the Certified mail. 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 September 12, 2015. Movant stated she moved to a new address but did not update 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 a timely Motion for Rehearing in this matter. Movant's attorney stated his client learned of the revocation on August 14, 2015. Movant's attorney was unable to explain why Certified Mail was returned from his correct address. 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 he learned of the revocation on September 14, 2015. Movant's attorney stated Movant had an issue receiving his mail at his apartment complex. 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 she learned of the revocation on September 29, 2015. Movant failed to update her address when she moved. 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 September 11, 2015. Movant stated she sent a letter to the Board asking for a continuance, but did not receive a response. 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 stated she did not receive any of the 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.
8. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation sometime in October 2015. Movant stated she was not at her current address for over a year while taking care of her mother. 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 an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation on September 23, 2016. Movant stated she moved but did not update her 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.
10. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of the revocation sometime in September 2015. Movant stated her address was current, but she was out of town taking care of her ill mother. 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:**

Ninety-two (92) disciplinary agreed orders were approved.

Six (6) reinstatement agreed orders were approved.

Sixteen (16) eligibility agreed orders were approved.

One hundred three (103) default revocation orders were approved.

Four (4) deferred disciplinary action agreed orders were approved.

Six (6) KSTAR Pilot Program agreed orders were approved.