

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
MAY 12, 2015, AND JUNE 16, 2015**

The Eligibility and Disciplinary Committee (Committee) convened on May 12, 2015 and June 16, 2015. 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 an application for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority and reported that on or about July 29, 2014, Petitioner signed a Program Participation Affidavit with the Mississippi Recovering Nurse Program, with agreed participation in the program for five (5) years. Petitioner became addicted to prescription pain medications following surgery in June 2013. Petitioner voluntarily entered a 90-day inpatient treatment program for healthcare professionals. On April 24, 2014, Petitioner was admitted to the Professional program (CHPP) for Intensive In-Patient Treatment of chemical dependence. Petitioner completed the program and was successfully discharged on July 24, 2014.

Petitioner provided several letters of reference and performance reviews.

Petitioner appeared in person. The Committee voted to **defer** the petition for licensure back to staff for further evaluation and recommendations.

2. Petitioner filed a petition for declaratory order based on the offense of Driving While Intoxicated, a Class B misdemeanor, in February 2007. Petitioner entered a plea of Guilty and was convicted of Driving While Intoxicated, a Class B misdemeanor on or about September 17, 2008. 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. Petitioner was discharged from probation on September 20, 2010.

Additionally, Petitioner was arrested in December 2007 for Driving While Intoxicated, a Class B misdemeanor. Petitioner entered a plea of Nolo Contendere and was convicted of Driving While Intoxicated, a Class B

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

misdemeanor, on or about September 17, 2008. 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. This sentence was to run concurrent with the offense committed in February 2007. Petitioner was discharged from probation on or about September 27, 2010.

Petitioner underwent a chemical dependency evaluation exam which indicated that Petitioner be supervised within the TPAPN program for a reasonable period of time to ensure she is able to perform her duties as a nurse in an appropriate and professional manner.

Petitioner provided several letters of reference and performance reviews.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, \$500.00, 4, 5, 6a, 10, 11, 12, 14 X 3 years.

3. Petitioner filed a petition for licensure by endorsement based on the offense of Driving While Intoxicated #1, a misdemeanor, in June 2006. Petitioner entered a plea of Guilty and was convicted of Driving While Intoxicated #1, a misdemeanor, on or about June 26, 2006. As a result of the conviction, Petitioner was ordered to pay a fine and court costs.

Additionally, Petitioner was convicted of Public Intoxication, a misdemeanor, on or about March 10, 2008, for an offense committed in March 2008. As a result of the conviction, Petitioner ordered to pay a fine and court costs.

Additionally, Petitioner was convicted of Public Intoxication, a misdemeanor, on or about June 14, 2008, for an offense committed in June 2008. As a result of the conviction, Petitioner ordered to pay a fine and court costs.

Additionally, Petitioner entered a plea of Guilty and was convicted of Driving While Intoxicated (Unlawful Act) II, a misdemeanor, on or about January 28, 2010. As a result of the conviction, Petitioner was sentenced to confinement in the White County, Arkansas, Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation and ordered to pay a fine and court costs.

Petitioner successfully completed the drug and alcohol program at Mid South Health Systems, Jonesboro, Arkansas. In addition, Petitioner provided several letters of reference.

Petitioner appeared in person. The Committee voted to **grant** the petition for licensure with the following stipulations: 1b, 1j, \$500.00, 4, 5, 6a, 10, 11, 12 X 3 years.

Petitioners for an Exception to a Previous Board Order

The Committee considered nine (9) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated July 17, 2014, requesting to lift the stipulation of unsupervised practice. Petitioner submitted a letter from a potential employer indicating they could provide a vocational nurse to supervise, but were unable to provide a registered nurse for supervision. It was the Committee's decision to **deny** the request for unsupervised practice, but to consider a specific position that could comply with supervision by a registered nurse or physician for the majority of the shift. The Order issued July 17, 2014, stands.
2. Petitioner requested an Exception to a previous Board Order dated September 11, 2012, requesting that his compliance/completion of his Louisiana Board Order be applied towards his Texas Order. Petitioner submitted a letter from Louisiana State Board of Nursing indicating he had completed the terms of his probation. It was the Committee's decision to **deny** the request. The Order issued September 11, 2012, stands.
3. Petitioner requested an Exception to a previous Board Order dated November 13, 2012, requesting that she be released from participation with Texas Peer Assistance Program for Nurses (TPAPN). Petitioner provided a chemical dependency evaluation and several letters of support and reference. It was the Committee's decision to **grant** the request with the following stipulations: 1b, 1j, 4, 5, 6a, 10, 11, 12, 14 X 1 year.
4. Petitioner requested an Exception to a previous Board Order dated March 19, 2013, requesting she be issued an unencumbered license. Petitioner provided no supporting documentation. It was the Committee's decision to **deny** the request. The Order issued March 19, 2013, stands.
5. Petitioner requested an Exception to a previous Board Order dated November 12, 2014, requesting that she be released the supervision stipulations to allow her to work in home health or nursing homes. Petitioner advised of her difficulty in finding employment with a strict supervision stipulation. It was the Committee's decision to **deny** the request, but to consider granting an exception to the order if the Petitioner finds employment in a clinical setting with physician supervision.
6. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting she be allowed to work in home health. Petitioner has completed all required education courses. Petitioner advised of her difficulty in finding employment with a strict supervision stipulation. It was the Committee's decision to **deny** the request, but to consider granting an exception to the order if the Petitioner finds employment in a clinical setting with physician supervision.
7. Petitioner requested an exception to a previous Board Order dated August 19, 2014, requesting that she be allowed to work for a staffing agency. Petitioner

stated she has had difficulty obtaining employment. Petitioner had offers of employment from staffing agencies but was unable to accept due to the Order restrictions. It was the Committee's decision to **grant** the request provided one staffing agency can provide a 3-month contract at the same facility.

8. Petitioner requested an Exception to a previous Board Order dated October 17, 2013, requesting her probation period be shortened. Petitioner completed the required courses. Petitioner indicated she has financial difficulties and would like to be able to work extra hours. It was the Committee's decision to **deny** the request. The Order issued October 17, 2013, stands.
9. Petitioner requested an Exception to a previous Board Order dated October 22, 2013, requesting that she be released from participation with Texas Peer Assistance Program for Nurses (TPAPN). Petitioner disagrees with chemical dependency evaluation that recommended her participation in TPAPN. It was the Committee's decision to **deny** the request. The Order issued October 22, 2013, stands.

Motions for Rehearing

The Committee considered eight (8) motions for rehearing:

1. Movant filed an untimely Motion for Rehearing in this matter. Movant stated she learned of revocation on March 3, 2015. Movant stated that she recently moved and thought updating her address with US Postal Service would update her address with the Board. Movant has a history of alcohol-related offenses dated from 2000 to 2013 that movant attributed to an abusive relationship. 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 March 18, 2015. Movant stated she moved from Texas to another state in 2012. Movant signed a corrective action in 2012, but didn't realize she wouldn't be returning to Texas. 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 was dependent on a former roommate to deliver his mail. Movant stated he completed his entire order requirements except for coursework, and he thought passage of time meant he was compliant. 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. Initial notice, Formal Charges, and Notice of Hearing were signed for at Movant's address. Movant claimed all mail went to her mother, but she did not know of any investigation with the Board. Movant submitted a home health visit for the client who was in the hospital, and can't remember any visit she missed. 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 a timely Motion for Rehearing in this matter. Movant believed she mailed a change of address in October 2013. However, the Board has no proof of the change of address. Movant stated her conviction will be dismissed and expunged. 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 she learned of the revocation on February 27, 2015. Movant believed she inadvertently updated her address by entering an address that would be associated with a pre-paid debit card. Movant indicated she plead guilty of two Class A misdemeanors and received deferred disposition with 30 days unsupervised probation. 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 he has not had a valid address in over two years. Movant does not deny the allegations of over 10 years of criminal misconduct that he hid 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.
8. Movant filed an untimely Motion for Rehearing in this matter. Movant moved from Texas without updating her address. Movant signed a Board Order in 2011, but failed to complete jurisprudence course. 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 seventy-six (176) disciplinary agreed orders were approved.

Ten (10) reinstatement agreed orders were approved.

Thirty-nine (39) eligibility agreed orders were approved.

One hundred twenty-two (122) default revocation orders were approved.

Six (6) deferred disciplinary action agreed orders were approved.

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