

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
August 9, 2016, AND September 13, 2016**

The Eligibility and Disciplinary Committee (Committee) convened on August 9, 2016 and September 13, 2016. This report collectively summarizes the matters and decisions made at the time of the meeting¹.

Petitioners for Licensure

The Committee considered five (5) petitions for licensure:

1. Petitioner filed a petition for declaratory order based on the offense of POSSESSION OF COCAINE LESS THAN A GRAM, a State Jail felony offense committed on or about January 28, 2008 in Harris County, Texas. On or about April 25, 2008, 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. On or about May 4, 2010, Petitioner completed the terms and conditions of probation and was discharged.

On September 25, 2014, Petitioner underwent a forensic psychological evaluation and a polygraph examination. The evaluation noted that the Petitioner did meet the criteria for a mild substance abuse disorder with alcohol and marijuana. It was recommended that the Petitioner enter TPAPN. The evaluation noted that Petitioner does not need extensive rehabilitation, other than involvement in AA/NA, and that the Petitioner could be expected to abide by the rules and regulations of the BON and would not be a danger to the public in this role if the treatment recommendations were followed. No deception was found on the polygraph examination.

Petitioner appeared by phone. The Committee voted to **grant** the Petitioner an unencumbered license subject to providing proof of sobriety.

2. Petitioner filed an application for licensure by endorsement and disclosed the offense SEXUAL ASSAULT, a felony offense, on or about October 15, 2009. On or about May 18, 2010, Petitioner entered a plea of Guilty to the lesser included offense of ASSAULT 3RD DEGREE, a misdemeanor offense committed on October 15, 2009, in the 2nd District Court of Adair County, Texas. As a result of the conviction, Petitioner was sentenced to confinement in the Adair County Detention Center for a period of one (1) year; however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of two (2) years with thirty (30) days shock detention to be completed

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

by July 15, 2010. On or about May 18, 2012, Petitioner completed the terms and conditions of probation and was discharged.

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 one year.

3. Petitioner filed a petition for declaratory order based on the offense of TRESPASS: PRIVATE PROPERTY, a misdemeanor offense committed on September 18, 2015. On or about February 3, 2016, 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.

A self-referred psychological evaluation was completed on the Petitioner on January 5, 2016. The evaluation noted that Petitioner would benefit by participating in 4-6 weekly psychotherapy sessions with a licensed therapist to help her psychologically process personal stressors. This would be for self-development and not psychological treatment purposes.

Petitioner was offered an Agreed Eligibility Order to sit for NCLEX exam with one year probation, but declined to sign the order.

Petitioner provided several letters of support and recommendation.

Petitioner appeared in person. The Committee voted to **grant** the petition with the following stipulations: NCSBN course Critical Thinking; Nursing Jurisprudence and Ethics; and a \$250 fine.

4. Petitioner filed an application for licensure by endorsement and disclosed the following criminal history:
 - STEALING, a Class C felony offense, committed on or about October 15, 2009. On or about June 5, 1997, Petitioner entered a plea of Guilty to and was convicted of STEALING, a Class C felony offense committed on or about January 28, 1996, in the Circuit Court of St. Charles County, Missouri. As a result of the conviction, Petitioner was sentenced to Missouri Department of Criminal Justice for a period of three (3) years; however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of five (5) years.
 - PASSING A BAD CHECK, a Class A misdemeanor offense, committed on or about March 21, 1996 in Warrenton, Missouri. On or about May 6 1996, Petitioner entered a plea of Guilty to and was convicted of PASSING BAD CHECKS, a Class A misdemeanor offense committed on

March 21, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was ordered to pay a fine and court costs.

- ASSAULT LAW OFFICE – 3RD DEGREE, a Class A misdemeanor offense, committed on or about July 23, 1996 in Warrenton, Missouri. On or about August 1, 1996, the case was dismissed in the Circuit Court of Warren County, Missouri.
- ASSAULT LAW OFFICER, a Class A misdemeanor offense, committed on or about August 5, 1996 in Warrenton, Missouri.

On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of Charge I - ASSAULT LAW OFFICER - 3RD DEGREE, a Class A misdemeanor offense committed on August 5, 1996, in the Circuit Court of Warren County, Missouri, As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner for Charge I - ASSAULT LAW OFFICER - 3RD DEGREE, was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of Charge II - ASSAULT LAW OFFICER - 3RD DEGREE, a Class A misdemeanor offense, committed on August 5, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner for Charge II - ASSAULT LAW OFFICER - 3RD DEGREE, was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of Charge III - ASSAULT IN THE THIRD DEGREE, a Class A misdemeanor offense, committed on August 5, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner for Charge III - ASSAULT IN THE THIRD DEGREE, was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of Charge IV - RESISTING ARREST, a Class A misdemeanor offense, committed on August 5, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner for Charge IV - RESISTING ARREST, was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

- ASSAULT LAW OFFICER, a Class A misdemeanor offense, committed on or about September 11, 1996 in Warrenton, Missouri. On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of RESISTING ARREST, a Class A misdemeanor offense committed on September 11, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner for RESISTING ARREST, was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 8, 1996, Petitioner entered a plea of Guilty to and was convicted of ASSAULT IN THE THIRD DEGREE, a Class A misdemeanor offense committed on September 11, 1996, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren 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 seven hundred thirty (730) days. On or about October 22, 1997, the probation granted Petitioner, for ASSAULT IN THE THIRD DEGREE,

was revoked, in the Circuit Court of Warren County, Missouri, based on Findings by the Court that Petitioner violated the terms and conditions of probation. As a result, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

- DWI/ALCOHOL, a Class B misdemeanor offense, committed on or about February 2, 1997 in Warrenton, Missouri.

On or about October 22, 1997, Petitioner entered a plea of Guilty to and was convicted of DWI (ALCOHOL INTOXICATION), a Class B misdemeanor offense, committed on February 2, 1997, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 22, 1997, Petitioner entered a plea of Guilty to and was convicted of DRIVING WHILE SUSP. FOR POINTS, a Class B misdemeanor offense, committed on February 2, 1997, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On or about October 22, 1997, Petitioner entered a plea of Guilty to and was convicted of RESISTING ARREST, a Class B misdemeanor offense, committed on February 2, 1997, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

- ASSAULT 2ND DEGREE, a Class C misdemeanor offense, committed on or about March 17, 1997 in Berkeley, Missouri. On or about January 12, 1998, Petitioner entered a plea of Guilty to and was convicted of ASSAULT 2ND DEGREE, a Felony offense, committed on March 17, 1997, in the 21st Judicial Circuit Court St. Louis County, Missouri. As a result of the conviction, imposition of sentence was suspended and Petitioner was placed on probation for a period of five (5) years.
- STEALING, a Class A misdemeanor offense, committed on or about April 20, 1997 in Warrenton, Missouri. On or about October 22, 1997, Petitioner entered a plea of Guilty to and was convicted of STEALING BY DECEIT W/O CONSENT, a Class B misdemeanor offense committed on April 20, 1997, in the Circuit Court of Warren County, Missouri. As a result of the conviction, Petitioner was sentenced to confinement in the Warren County Jail for a period of one hundred eighty (180) days.

On April 21, 2016, Petitioner underwent a chemical dependency evaluation and a polygraph examination. The evaluation noted that the Petitioner had an extensive and serious criminal record, which also involved a significant period of substance

abuse, though the offenses of which she was convicted occurred in 1996 through 1997, and there have been no additional known criminal occurrences or arrests since that time. The evaluation noted it is not a significant concern that Petitioner again might engage in criminal behavior, and there is no indication that she poses a current danger to the community. The evaluator could not affirm that her psychological stability was intact due to fairly recent issues and traumas she experienced in her teenage years and during the two to three year period in her late teens when she committed a variety of crimes. The evaluation noted it wasn't clear that currently Petitioner can consistently behave in accordance with Board Rules and that she can consistently avoid behaviors identified by the Board as constituting unprofessional conduct. The evaluator strongly recommended that Petitioner immediately begin psychotherapy with a competent mental health professional, and that she be evaluated for psychiatric medication. Petitioner also should be evaluated for substance abuse, even though there is not currently a known problem.

Petitioner was issued an Order of Probated License by the Missouri State Board of Nursing on or about August 7, 2009, placing her on probation for one (1) year as a result of her criminal history. On or about September 22, 2010, Petitioner satisfied all terms of probation and was issued an unencumbered license.

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; abstain from drugs, alcohol, etc.; random drug screens; therapy reports; and provide employer reports for a period of two (2) years.

5. Petitioner filed a petition for declaratory order based on the offense of ABANDON/ENDANGER CHILD CRIM NEGLIGENCE, a State Jail felony offense, committed on or about October 15, 2012 in Roma, Texas. Petitioner was subsequently charged with ENDANGERING CHILD, a State Jail felony offense committed on or about October 15, 2012. On or about December 18, 2013, the case was dismissed in the 381st District Court, Starr County, Texas, for the reason: "Defendant completed and complied with Pre-Trial Diversion Contract."

On May 16, 2016, Board Staff requested that Petitioner submit to a forensic psychological evaluation with a polygraph examination. Petitioner cited an ineligibility to pay for the evaluation.

Petitioner provided several letters of support.

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; abstain from drugs, alcohol, etc.; random drug screens; and provide employer reports for a period of two (2) years.

Petitioners for an Exception to a Previous Board Order

The Committee considered fifteen (15) petitions for an exception to a previous board order:

1. Petitioner requested an Exception to a previous Board Order dated September 11, 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.
2. Petitioner requested an Exception to a previous Board Order dated January 22, 2015, requesting she be allowed to work for a nurse registry, temporary nurse employment agency, hospice or home health. It was the Committee's decision to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
3. Petitioner requested an Exception to a previous Board Order dated July 17, 2014, requesting she be allowed to work without supervision. It was the Committee's decision to **grant** the request as long as the Director of Nursing is available on call.
4. Petitioner requested an Exception to a previous Board Order dated June 16, 2015, requesting an unencumbered license. It was the Committee's decision to **deny** an unencumbered license. The Order issued June 16, 2015 stands.
5. Petitioner requested an Exception to a previous Board Order dated July 17, 2014, requesting the removal of the requirement for direct patient care and incident reporting. It was the Committee's decision to **deny** the request for removal of the requirement for direct patient care and incident reporting. The Order issued July 17, 2014 stands.
6. Petitioner requested an Exception to a previous Board Order dated August 17, 2010, requesting she be allowed to return to TPAPN. It was the Committee's decision to deny the request to return to TPAPN, but **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
7. Petitioner requested an Exception to a previous Board Order dated January 23, 2014, requesting an unencumbered license. It was the Committee's decision to deny an unencumbered license, but to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
8. Petitioner requested an Exception to a previous Board Order dated December 9, 2014, requesting an unencumbered license. It was the Committee's decision to deny an unencumbered license, but to **grant** a modification to the Order to lift the

limited license and replace with the following stipulations: notify present/future employers of the board order; submit notification of employment; indirect supervision; and provide employer reports for a period of one (1) year.

9. Petitioner requested an Exception to a previous Board Order dated February 9, 2016, requesting she be allowed to work home health. It was the Committee's decision to deny the request to return to work home health, but to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
10. Petitioner requested an Exception to a previous Board Order dated August 11, 2015, requesting he be allowed to work home health, a non-direct patient care position, or under physician supervision. It was the Committee's decision to **grant** a modification to the Order to allow supervision by a physician in a clinical setting.
11. Petitioner requested an Exception to a previous Board Order dated June 10, 2014, requesting he be allowed to practice unsupervised and that the disciplinary action be removed from the Board's website. It was the Committee's decision to **grant** a modification from indirect supervision to incident reporting.
12. Petitioner requested an Exception to a previous Board Order dated August 6, 2013, requesting an unencumbered license. It was the Committee's decision to deny the request for an unencumbered license, but to **grant** a modification from indirect supervision to incident reporting.
13. Petitioner requested an Exception to a previous Board Order dated February 9, 2016, requesting relief from employment stipulations. It was the Committee's decision to **deny** relief from employment stipulations. The Order issued February 9, 2016 stands.
14. Petitioner requested an Exception to a previous Board Order dated May 12, 2009, requesting an unencumbered license. It was the Committee's decision to **deny** the request for an unencumbered license. The Order issued May 12, 2009 stands.
15. Petitioner requested an Exception to a previous Board Order dated March 20, 2007, requesting an unencumbered license. It was the Committee's decision to **deny** the request for an unencumbered license. The Order issued March 20, 2007 stands.

Motions for Rehearing

The Committee considered five (5) 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 a timely Motion for Rehearing in this matter. Movant was aware of her noncompliance with the Board, and stated an attorney was to file 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.
3. Movant filed a timely Motion for Rehearing in this matter. Movant stated she learned of the revocation on June 22, 2016. Movant stated she did not receive Board correspondence although the address was correct. 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 left the meeting during questioning by the Committee. 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 a timely Motion for Rehearing in this matter. Movant stated he learned of the revocation in late June or early July 2016. Movant stated he failed to update his 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).

Orders Ratified:

One hundred fifty-seven (157) disciplinary agreed orders were approved.

Eighteen (18) reinstatement agreed orders were approved.

Thirty (30) eligibility agreed orders were approved.

Eighty-five (85) default revocation orders were approved.

Seven (7) default revocation orders from ALJ Proposals for Decision were approved.

One (1) deferred disciplinary action agreed order was approved.

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