

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
November 12, 2008

This report is written to describe E&D Committee actions and trends. There were seven (7) Eligibility Requests, three (3) Petitioners for Exception to a Previous Board Order, three (3) Motion for Rehearing, four (4) Eligibility Agreed Orders, three (3) Reinstatement Agreed Orders, twenty-two (22) Disciplinary Agreed Orders, and twenty-three (23) Default Revocation Orders.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (7)

Approved with Stipulations (6):

1. Female Petitioner was issued a citation for misdemeanor Possession of Drug Paraphernalia on June 15, 1999; entered a plea of nolo contendere and was assessed a fine of \$153.75. Psychiatrist's letter states Petitioner has been seen four (4) times since February, 2008. In the course of those four sessions, Petitioner has proven to be inconsistent in taking her medications and has had issues with alcohol interfering w/her medication compliance. It was the psychiatrist's impression that Petitioner has done a lot of work on her psychiatric issues and substance abuse issues based on historical report, and she certainly has energy and determination to be working, going to school, raising her child. Believes Petitioner has good potential, but also has considerable concerns about her w/regard to both Bipolar Disorder and alcohol abuse issues. Evaluator recommends continuing weekly psychotherapy, maintaining alcohol abstinence, attending AA daily, and remaining stable on her medications.
2. Male Petitioner charged w/second degree felony offense of Kidnapping-Aggravated Assault on July 3, 1997; sentenced to ten (10) years confinement w/sentence suspended; Petitioner was placed on ten (10) years community supervision; revoked on July 14, 1998, w/Petitioner sentenced to two (2) years confinement. On July 14, 1998, Petitioner was charged w/two (2) counts Aggravated Assault and was sentenced to two (2) years confinement to run concurrent with aforementioned sentencing of Kidnapping and Aggravated Assault. On January 12, 2004, Petitioner entered a plea of guilty and was convicted of Possession of Marijuana and was sentenced to 45 days confinement w/the sentence suspended, and was placed on ten (10) months supervision. On January 14, 2005, Petitioner was convicted of Possession of Marijuana and was sentenced to ninety (90) days confinement with sentence suspended and was placed on one (1) year supervision of the Court. Community Supervision was terminated January 24, 2006.
3. Male Petitioner was charged on January 16, 2004, w/the misdemeanor offense of Assault Causing Bodily Injury, entered a plea of guilty, proceedings were deferred w/o adjudication

of guilt; placed on twelve (12) months probation. Arrested for the offenses of Possession of Marijuana, Possession of Narcotic, Narcotic Smuggling and Weapon Offense on March 21, 1989; all charges were dismissed. A neuropsychological evaluation was conducted on February 26-27, 2007, for evaluation due to a head injury suffered 20 years ago. Evaluator states Petitioner will need accommodations and compensatory strategies for the residual effects of his brain trauma, but certainly has the cognitive resources to be a success in the field. Petitioner was seen again on February 28, 2008, by psychologist to undergo a forensic psychological evaluation. Evaluator does not see any clinical evidence of personality or neurocognitive deficits that would impede Petitioner's ability to function and operate in the nursing field. Evaluator believes Petitioner would be able to consistently behave in accordance with the requirements of the Board's Rules, as well as meet generally accepted nursing standards

4. Female Applicant charged w/misdemeanor offense of Theft on May 2, 1994; sentenced to 180 days probation and \$400 fine. Dec. 29, 1998, charged with misdemeanor offense of Theft. Applicant was sentenced to one (1) day confinement and assessed a fine of \$200. Dec. 20, 2000, entered a plea of nolo contendere and was sentenced to ninety (90) days confinement with sentence suspended and was placed on 12 months community supervision; community supervision discharged Dec. 26, 2001. Charged Oct. 30, 2001, with misdemeanor Theft; entered plea of nolo contendere and was sentenced to 90 days confinement, sentence suspended; Applicant was placed on 18 months community supervision. Applicant discharged from community supervision May 19, 2003. Charged with misdemeanor Theft on Aug. 18, 2004; entered a plea of nolo contendere and sentenced to 60 days confinement, open for 45 days.
5. Male Applicant charged July 6, 1985, w/misdemeanor Driving While Intoxicated; convicted April 22, 1986 and sentenced to 45 days confinement and assessed a fine of \$250. Charged Nov. 18, 2001, w/misdemeanor offense of Driving While Intoxicated; convicted and sentenced to 120 days of confinement, 24 months of community service, and assessed a \$400 fine. Charged July 31, 1983, w/misdemeanor Criminal Mischief; was released on his own recognizance. Charged Nov. 9, 1983, with misdemeanor Driving While Intoxicated. Charged June 4, 1994, with Driving While License Suspended. Charged May 28, 1995, w/misdemeanor Driving While License Suspended; pled guilty and charge dismissed Oct. 3, 1996. Charged with misdemeanor Assault on Oct. 21, 1998. Forensic Psychological Evaluation on August 27, 2007, showed Applicant's history of substance abuse is significant, but is countered by his involvement with AA and dry date of more than 4 years. With the assurance of abstinence for the first year via drug testing, evaluator is unable to find any significant reason why Applicant should not be allowed to practice as a licensed nurse.
6. Female Petitioner convicted of Class B Misdemeanor Failure to Identify a Fugitive from Justice on March 21, 1996; assessed a fine of \$1,000. Petitioner arrested June 27, 2000, for Aiding, Abetting, and Maintaining a Place for or Using Cocaine Base Crack, Distribution of a Quantity of Cocaine Base "Crack". Petitioner was committed to US Bureau of Prisons to be imprisoned for 44 months; was released from prison on Feb. 10, 2003, to serve a three (3) year supervised release term. Arrested Oct. 24, 2003, for violating probation; sentenced to six (6) months confinement on Nov. 7, 2003. Arrested Dec. 23, 2003, for Aiding,

Abetting and Maintaining a Place for or using Cocaine Base Crack and Distribution of a Quantity of Cocaine Base "Crack". Petitioner sentenced to six (6) months confinement. Petitioner was granted supervised release on April 22, 2004. Petitioner convicted of Felony Delivery of a Controlled Substance and was sentenced to two (2) years confinement, w/sentence suspended and was placed on four (4) years probation.

Denied (1):

1. Female Petitioner charged w/state jail felony offense of Forgery of a Financial Instrument on April 1, 2004. Petitioner entered a plea of guilty; proceedings were deferred w/o adjudication of guilt. Petitioner and was placed on three(3) years of probation and discharged on April 2, 2007. Licensed Psychologist submitted letter stating that he has only met with Petitioner on two occasions with the first visit on June 12, 2006. Psychologist stated that Petitioner asked him to write a letter regarding her emotional stability and after reflection, he is reluctant to write such a statement, since he does not feel he has established a treatment relationship with Petitioner. Psychologist states that at his evaluation in June, 2006, Petitioner was diagnosed with Bipolar Disorder NOS and alcohol abuse.

MOTIONS FOR REHEARING (3): Approved.

PETITIONERS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (3):

Two (2) Approved; One (1) Denied.

ELIGIBILITY AGREED ORDERS (4): Approved.

REINSTATEMENT AGREED ORDERS (3): Approved.

DISCIPLINARY AGREED ORDERS (22): Approved.

DEFAULT REVOCATION ORDERS (23): Approved.

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
December 9, 2008**

This report is written to describe E&D Committee actions and trends. There were five (5) Eligibility Requests, three (3) Petitioners for Exception to a Previous Board Order, one (1) Motion for Rehearing, ten (10) Eligibility Agreed Orders, one (1) Reinstatement Agreed Orders, forty-five (45) Disciplinary Agreed Orders, and sixteen (16) Default Revocation Orders.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS: (5)

Approved with Stipulations (4):

1. Male Applicant arrested for misdemeanor Indecent Exposure June 16, 1971. Applicant arrested for Criminal Damage and Criminal Trespass on July 31, 1974.
2. Male Petitioner entered a plea of guilty to felony False Statements on Loan Application and Bank Embezzlement on June 19, 1995; was sentenced to five (5) months confinement followed by three (3) years supervised release. Applicant issued Arizona Board Order on Sept. 20, 1990, placing his license on two (2) years probation. Applicant issued Ohio Adjudication Order on Jan. 11, 1991, placing his license on suspension due to the action taken by Arizona Board; license restored Nov. 18, 1994. Applicant issued Florida Board order requiring participation in FL Intervention Project for Nurses Program; completed program May 27, 1994. Applicant issued Final Order by FL Board of Nursing on May 29, 2007, requiring his participation in FL Intervention Project for Nurses Program.
3. Female Petitioner charged w/misdemeanor Minor in Possession Jan. 2, 1999. Charged with misdemeanor Minor in Possession on January 30, 1999. Charged w/misdemeanor Public Intoxication on March 20, 1999. Petitioner entered plea of guilty to misdemeanor Driving While Intoxicated on June 1, 2001; sentenced to ninety (90) days confinement, probated to one (1) year probation; probation completed June 28, 2002. Charged w/misdemeanor Public Intoxication on Jan. 4, 2003. Underwent forensic psychological evaluation on Aug. 19, 2008; reflected highly defensive young lady who made strong efforts to present herself in favorable light and deny pathology. Evaluator recommends Petitioner complete treatment for substance abuse and demonstrate successful abstinence before assuming the responsibilities of professional nurse.
4. Female Petitioner entered plea of guilty to the state jail felony offense of Forgery of a Financial Instrument on June 21, 2000; proceedings were deferred without adjudication of

guilt and was placed on three (3) years probation; unsatisfactorily completed all terms of probation on April 5, 2005.

Continued (1):

1. Male Petitioner charged July 18, 1994, w/felony Kidnapping; proceedings were deferred without adjudication of guilt; Petitioner was placed on seven (7) years probation; terms completed July 18, 2001. Entered plea of nolo contendere to misdemeanor Driving While Intoxicated on Oct. 29, 2007; sentenced to six (6) months probation; all terms of probation completed May 2, 2008.

MOTIONS FOR REHEARING (1): Approved.

PETITIONERS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (3): Approved.

ELIGIBILITY AGREED ORDERS (10): Approved.

REINSTATEMENT AGREED ORDERS (1): Approved.

DISCIPLINARY AGREED ORDERS (45): Approved.

DEFAULT REVOCATION ORDERS (16): Approved.