

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
August 17, 2010**

This report is written to describe E&D Committee actions and trends. There were two (2) Eligibility Requests, three (3) Requests for Exceptions to a Previous Board Order, four (4) Motions for Rehearing, seventy-two (72) Disciplinary Agreed Orders, five (5) Reinstatement Agreed Orders, twelve (12) Eligibility Agreed Orders and thirty-two (32) Default Revocation Orders.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONERS: (2)

Approved with Stipulations (2):

1. Female Petitioner was arrested on or about November 27, 2006 for the offense of Manufacture or Delivery of a Controlled Substance, 1>:4G < 200G, a First Degree felony offense. On or about February 7, 2007, Petitioner entered a plea of No Contest to the lesser included charge of Possession of a Controlled Substance - Methamphetamine (a Second Degree felony offense committed on November 27, 2006). As a result of the plea, proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of five (5) years. On or about December 10, 2009, Petitioner was granted an early termination from probation.

On or about August 28, 2007, Petitioner successfully completed a four (4) week outpatient counseling program and met the treatment alternatives to incarceration program requirements for outpatient counseling.

On March 22, 2010 and April 5, 2010, Petitioner was seen by a forensic psychologist, to undergo a forensic psychological evaluation to include a chemical dependency component. Based on the information, there was nothing determined or found in the evaluation to indicate anything other than a reasonable probability that Petitioner would be able to consistently behave in accordance with the requirements of Rules 213.27-213.29 at 22 TAC, as well as the minimum standards set by the Board's Rules 217.11 at 22 TAC and generally accepted nursing standards. Also based on the overall information, it is a reasonable probability that Petitioner would consistently avoid behavior identified by the Board as constituting unprofessional conduct.

2. Male Petitioner was arrested on or about June 21, 2002, for the offense of Manufacture/Sale/Possession of a Controlled Substance, a felony offense. On or about September 18, 2002, Petitioner entered a plea of Guilty and was convicted of the above-mentioned offense. As a result of the conviction, Petitioner was sentenced to confinement for the term of five (5) years, with all but one (1) year of the sentence of confinement

suspended. Upon release from confinement, Petitioner was placed on supervised probation until released by the probation officer. On or about March 22, 2004, Petitioner was successfully discharged from supervised probation.

Petitioner was arrested on or about August 7, 2007, for Possession of Marijuana, a misdemeanor offense. On or about October 9, 2007, Petitioner entered a plea of Guilty and was convicted of the above-mentioned offense. As a result of the conviction, Petitioner was sentenced to confinement for a period of thirty (30) days; however, the imposition of sentence of confinement was suspended. Additionally, Petitioner was ordered to pay a fine.

PETITIONERS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (3): One (1) Continued, One (1) Approved, One (1) Denied.

MOTIONS FOR REHEARING (4): Two (2) Approved, Two (2) Denied.

DISCIPLINARY AGREED ORDERS (72): Seventy-two (72) Approved.

REINSTATEMENT AGREED ORDERS (5): Five (5) Approved.

ELIGIBILITY AGREED ORDERS (12): Twelve (12) Approved.

DEFAULT REVOCATION ORDERS (32): Thirty-two (32) Approved.

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
September 14, 2010**

This report is written to describe E&D Committee actions and trends. There was one (1) Eligibility Request, seven (7) Petitioners for Exception to a Previous Board Order, three (3) Motions for Rehearing, fifty-five (55) Disciplinary Agreed Orders, seven (7) Reinstatement Agreed Orders, seven (7) Eligibility Agreed Orders and twenty (20) Default Revocation Orders.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER: (1)

Approved with Stipulations (1):

1. Male Petitioner was arrested on or about August 29, 2000, for Possession of Marijuana, < 2 ounces, a misdemeanor offense. Petitioner was granted entry into the Pre-Trial Diversion Program and on or about March 8, 2001, the charge was dismissed.

Petitioner was arrested on or about November 11, 2000, for Driving While Intoxicated, a Class B misdemeanor. On or about February 14, 2001, Petitioner entered a plea of Guilty to Reckless Driving (a misdemeanor committed on November 11, 2000). As a result of the plea, Petitioner was ordered to pay a fine and complete an alcohol awareness class.

Petitioner was arrested on or about October 25, 1999, for Criminal Trespass, a Class B misdemeanor. On or about December 30, 2000, Petitioner was arrested for Possession of Marijuana, 2 ounces, a Class B misdemeanor. On or about August 29, 2008, Petitioner was arrested for Aggravated Assault/Date/Family/House with a weapon, a First Degree felony offense.

On October 22, 2009, Petitioner was seen by a forensic psychologist to undergo a forensic psychological evaluation to include a chemical dependency component and a polygraph examination. With regard to his history of drug abuse and time frames of last use, the psychologist recommended that Petitioner's behavior and abstinence be monitored by the Board or TPAPN for a reasonable period of time so as to assure continued abstinence. Requirements to attend community based substance abuse treatment might be considered. Presuming abstinence from drugs and alcohol, the psychologist believes that Petitioner is capable of conducting himself in accordance with the requirements of Rules 213.27 - 213.29 at 22 TAC, is capable of consistently behaving in accordance with the minimal standards set by the Board's Rules 217.11 at 22 TAC, would be able to consistently behave in accordance with generally accepted nursing standards and consistently be able to avoid behaviors identified as constituting unprofessional misconduct.

PETITIONERS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (7): Five (5) Approved, Two (2) Denied.

MOTIONS FOR REHEARING (3): One (1) Approved, Two (2) Denied.

DISCIPLINARY AGREED ORDERS (55): Fifty-five (55) Approved.

REINSTATEMENT AGREED ORDERS (7): Seven (7) Approved.

ELIGIBILITY AGREED ORDERS (7): Seven (7) Approved.

DEFAULT REVOCATION ORDERS (20): Twenty (20) Approved.