

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR**  
**February 13, 2007**

This report is written to describe E&D Committee actions and trends. There were seven (7) Eligibility Requests, three (3) Petitioners' Requests for Exception to a Previous Board Order, ten (10) Eligibility Agreed Orders, six (6) Reinstatement Agreed Orders, thirty-seven (37) Disciplinary Agreed Orders, forty-six (46) Default Revocation Orders, forty-one (41) Default Suspension Orders, and two (2) Motions for Rehearing.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (7)**

**Approved with Stipulations (5):**

1. Female Applicant was charged Nov. 9, 1992 w/misdemeanor Shoplifting. Plead guilty and sentenced to thirty (30) day suspended sentence, one (1) year supervised probation, and assessed fine/court costs of \$178. Sept. 23, 1997 charged w/misdemeanor Issuance of a Bad Check; assessed fine/court costs of \$368; warrant issued because of non-payment on February 25, 1998. Applicant given ninety (90) days to pay on May 7, 1998. Charged December 12, 1997 w/misdemeanor offense of Theft of Property; plead guilty and sentenced to one (1) year jail suspended. Assessed a fine/court costs of \$376, ten (10) days community service, found in contempt on Feb. 9, 1998. Applicant failed to report to probation officer, owed money to court, did not complete community service. Probation revoked July 28, 2004; all fines and fees paid.
  
2. Male Petitioner arrested Dec. 9, 1991 while in US Army for Wrongful Possession, Use and Distribution of Controlled Substance. Received an Article 15, reduced to grade E-4, was ordered to forfeit \$608. Entered guilty plea and convicted April 18, 1997 of Unlawful Carrying Weapon (Class A Misdemeanor committed on Feb. 22, 1997). Sentenced to confinement for ninety (90) days. Ordered to pay \$100 fine/costs. May 5, 1997 entered plea of Guilty to 1<sup>st</sup> Degree Felony Burglary of Habitation committed Oct. 13, 1996. Proceedings deferred w/o entering adjudication of guilt; on probation for ten (10) years. Ordered to pay a \$500 fine and \$3,907.75 in restitution/costs and to participate in local CSCDs assessment, classification and habilitation/rehab program, obtain drug/alcohol screening, participate in substance abuse testing, complete two hundred (200) hours community service, complete Life Skills Class, participate in Intensive (Maximum) Supervision, participate in Specialized Caseload for Substance/Alcohol Abuse, attend AA/or NA meetings at least three (3) times per week, attend & complete alcohol and/or drug abuse treatment program, and write apology letter. Conditions of Community Supervision were amended. Ordered to enter and remain in the Substance Abuse Felony Punishment Facility (SAFPF) for no more than one (1) year. Ordered to pay \$1,325 in court costs. Case dismissed Dec. 7, 2006.

3. Female Petitioner charged Aug. 3, 1997 w/misdemeanor Theft by Check; restitution paid in full, charges dismissed. Charged Sept. 19, 2000 w/misdemeanor of Theft by Check; restitution paid in full, charges dismissed. Charged Aug. 3, 2000 w/felony Unauthorized use of a Vehicle; entered guilty plea, proceedings deferred w/o adjudication of guilt, sentenced to three (3) years probation. Discharged from probation Sept. 15, 2003.
4. Male Petitioner diagnosed w/bipolar disorder Aug. 1998 and another episode in Jan. 2006. Letter dated Aug. 11, 2006 to Board from Tam Tin Sung, Mathew, Medical Officer, West Kowloon Psychiatric Centre, states Petitioner has been attending appointments since Aug. 2006 at 2 to 3 week intervals. Petitioner is maintained w/drugs, including mood stabilizers and antidepressants of Epilim 300 mg nocte and Lexapro 10 mg nocte, is stable and making steady improvement in last three (3) months. Underwent psychiatric evaluation Feb. 28, 2006 through Permian Basin Community Centers, Adult Outpatient Services, Odessa, TX. Petitioner was under a lot of stress. Started to think that the world was coming to an end and he was getting messages through the radio. Brought to the hospital and was sedated, states within a couple of days he began to feel better and back to his old self.
5. Female Applicant charged w/misdemeanor of Assault, Domestic Fear of Bodily Injury. Applicant entered guilty plea, sentenced to nine (9) months probation. Charged Oct. 29, 2002 w/misdemeanor Disorderly Conduct. Applicant entered a plea of guilty and assessed \$92.93 in court costs. Arrested Sept. 2, 2002 for misdemeanor Public Intoxication; charge was dismissed. Letter from Case Mgr., TN Professional Assistance Program dated July 21, 2003 states Applicant compliant until relapse in Aug. '02. Was administratively discharged from one treatment center, relapsed 2<sup>nd</sup> time and entered 2<sup>nd</sup> treatment center. Completed inpatient portion of the Samaritan Recovery program in Jan. 2003. Applicant noncompliant w/contract requirements, preparations were being made to report her to TN Board. Began making serious efforts to comply in May 03. Recommendations from evaluation included applicant be allowed to return to work in nursing w/appropriate supervision from TNPAP or similar monitoring program. Letter to Board dated July 10, 2003 from Samaritan Recovery Community, Inc. states completed twenty-one (21) days Intensive Residential Treatment Program & nineteen (19) days of Transitional Living Program. Applicant was in program for a total of forty (40) days and discharged for failure to comply with requirements. Letter dated Nov. 22, 2004 from MD states Applicant submitted to evaluation on Oct. 20, 2004 to assess her current sobriety as well as her past medical psychological history. Doctor states Applicant has reached her breaking point one (1) year ago and finally came into recovery for right reasons. Has attended AA meetings, has an AA sponsor, and has worked the 12-steps.

**Denied (2):**

1. Female Petitioner pled guilty Nov. 24, 2003 to misdemeanor Prostitution; sentenced to ten (10) days confinement/assessed court costs of \$201. April 18, 2004 charged w/state felony Man/Delivery of a Controlled Substance-Cocaine; pled guilty, was deferred w/o adjudication of guilt; sentenced to nine (9) months confinement; court costs of \$268. Petitioner's forensic

psychological evaluation results showed evidence of hyperactivity and tendency toward disorganized thinking. No propensity toward illegal/criminal activity. Forensic psychologist stated Petitioner sober less than five (5) years, not eligible to obtain an unencumbered license at this time.

2. Male Petitioner charged May 29, 2000 with 2<sup>nd</sup> degree felony Burglary of Habitation, case referred to Juvenile Probation Office on July 11, 2000. Placed on six (6) months deferred adjudication on Dec. 20, 2000. May 30, 2000 charged with misdemeanor Terroristic Threat. Case referred to Juvenile Probation on July 11, 2000; placed on deferred probation for six (6) months. Charged Nov. 5, 2003 w/misdemeanor Evading Arrest. Entered a plea of no contest and proceedings were deferred w/o adjudication on Jan. 7, 2004; six (6) months probation. Discharged from probation July 7, 2004. Results of Petitioner's forensic psychological evaluation/polygraph exam indicated Petitioner is not fit to practice nursing, as he is actively engaged in ongoing drug use/criminal behavior that have occurred within a month of the evaluation. Evaluator cannot assure TBNE that Petitioner will operate within the law and rules & regulations of the Board because Petitioner does not feel the law applies to him; is a high risk for violating the rules.

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

Three (3) Approved.

**ELIGIBILITY AGREED ORDERS (10):** Approved.

**REINSTATEMENT AGREED ORDERS (6)** Approved.

**DISCIPLINARY AGREED ORDERS (37):** Approved.

**DEFAULT REVOCATION ORDERS (46):** Approved.

**DEFAULT SUSPENSION ORDERS (41):** Approved.

**MOTIONS FOR REHEARING (2):** Approved.

**ALJ PROPOSAL FOR DECISION (0):**

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR**  
**March 20, 2007**

This report is written to describe E&D Committee actions and trends. There were four (4) Eligibility Requests, two (2) Petitioners' Requests for Exception to a Previous Board Order, twelve (12) Eligibility Agreed Orders, eight (8) Reinstatement Agreed Orders, thirty-three (33) Disciplinary Agreed Orders, forty (40) Default Revocation Orders, three (3) Motions for Rehearing, and one (1) ALJ Proposal for Decision.

**NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS**

**PETITIONER / APPLICANTS (4)**

**Approved with Stipulations (3):**

1. Female Petitioner submits letter to Board from treating psychiatrist, states Petitioner has been a patient since July 2004 for treatment of Severe Manic Bipolar I w/Psychotic Features, Obsessive Compulsive Disorder, Alcohol Abuse, and Post Traumatic Stress Disorder. At time of initial evaluation, Petitioner was in an acute state of mania w/sever psychosis and stated on treatment. Petitioner was followed up three more times that year w/persistent psychosis, irregular intake of medications because she could not afford them. Did not attend any follow -up appointment in 2005 due to lack of insurance and only called occasionally for refills on her medications. In 2006 Petitioner returned to office on Oct. 4, 2006. Denied any symptoms of depression/mania and appeared stable. Currently is taking Ativan 0.5 mg twice daily, Luvox 50 mg twice daily, Resperdal 1 mg at bedtime, Trileptal 600mg ½ tablet in the morning and one (1) tablet at bedtime and Maxalt 10 mg for migraines. Prognosis is guarded since this is a lifetime illness. Psychiatrist states Petitioner had a difficult time the first year due to lack of funds. Failed to see her at all during 2nd year because of lack of insurance and two (2) visits with her in 2006. Psychiatrist states there is no evidence of cognitive impairment, however, emotional/affective state is fragile and can easily de-compensate if she abandons her treatment; will need a stable job to ensure benefits, preferably no night shift work to avoid recurrence/sleep deprivation precipitates mania and depression.
2. Male Petitioner charged July 2, 2001 w/2nd degree felony Arson, entered guilty plea and received ten (10) years probation. Entered residential substance treatment program March 3, 2001. Successfully completed program April 3, 2001. Letter from MD dated Dec. 17, 2004 stated Petitioner has been under her care for four (4) years w/diagnosis of Bipolar Disorder and Substance Addiction. Doctor has great deal of confidence in Petitioner and his ability to work as a reliable, skilled health professional. Petitioner previously appeared before E&D Committee Feb. 8, 2005 and was denied. Dec. 12, 2006 letter submitted to Board by physician stating Petitioner was examined and remains in a stable mood and does not have the diagnosis of Bipolar Disorder; is continuously sober and has capacity to be

exceptional nurse. In statement Petitioner claims he has been sober for five (5) years. The anger ex-wife felt for him has left and she is willing to state that she believes he was not trying to burn the trailer, but trying to take his own life while drunk. Attends professional 12-step program; knows he has made many mistakes but is not the same man and will do whatever it takes to become a nurse.

3. Male Petitioner charged w/misdemeanor Driving While Intoxicated on April 22, 1990. Entered guilty plea and sentenced to two (2) years probation on June 25, 1993; probation was revoked and was sentenced to confinement in Adult Detention Center for forty-five (45) days, beginning June 25, 1993. Charged April 30, 1991 w/misdemeanor theft by Check; dismissed because restitution was made Feb. 17, 1993. Charged September 25, 1992 w/misdemeanor Driving while Intoxicated. June 23, 1993 entered guilty plea and sentenced to confinement for thirty (30) days beginning June 25, 1993. Charged Jan. 14, 1994 w/felony Driving While Intoxicated, entered guilty plea and sentenced to thirty (30) days confinement and assessed \$500 fine/court costs of \$199. Charged March 18, 1994 w/misdemeanor Class A Assault. Entered plea of guilty and sentenced to ten (10) days confinement; assessed \$100 and court costs of \$244. Charged on May 16, 1997 w/misdemeanor Class A Drive While Intoxicated. Entered guilty plea and sentenced to forty-five (45) days confinement. Petitioner assessed a fine of \$500 and court costs of \$219. Arrested August 29, 1979 for Illegal Possession of Hypo Syringe Needles. Oct. 20, 1986 was arrested for Violation of Court Order with case not filed. Charged August 3, 1989 w/Contempt of Court, dismissed Sept. 25, 1989. Arrested after routine traffic stop March 27, 2005 with no disposition noted. Appeared before the E&D Committee May 9, 2006; Committee delayed making a final recommendation on licensure pending submission to a forensic psychological evaluation to include dependency component and polygraph exam. Seen by psychologist Nov. 2, 2006; results showed clear history of chemical dependency. Petitioner's failure to pass polygraph exam twice reveals he has not dealt with his alcohol issues. Psychologist believes Petitioner is chemically dependent and needs treatment, or at least monitoring.

**Continued (1):**

1. Female Applicant charged with felony Conspiracy to Drug Trafficking, entered guilty plea of no contest and sentenced to thirty (30) days confinement, followed by three (3) years community control. Discharged from probation April 2, 2003. Applicant seen by psychologist to undergo forensic evaluation Dec. 10, 2006 which revealed no indication of psycho-pathology or mental disorder; drug and alcohol testing suggest no substance addiction or disorder, some illegal drug use was revealed. Depression and anxiety instruments indicate adequate emotional resources to deal with most daily life tasks. Physician feels to better fulfill requirements, he recommends a complete and accurate history of past illicit activities must be submitted since polygraph exam conducted revealed a history not reported. An accurate profile cannot be completed at this time. When Applicant is more disposed to be honest and provide all required information, she could be reevaluated to determine probability that she would consistently behave in accordance with the Rules and Regulations of the Board.

**PETITIONERS' REQUESTS FOR EXCEPTION TO A PREVIOUS BOARD ORDER (2):**

Two (2) Approved.

**ELIGIBILITY AGREED ORDERS (12):** Approved

**REINSTATEMENT AGREED ORDERS (8)** Approved

**DISCIPLINARY AGREED ORDERS (33):** Approved

**DEFAULT REVOCATION ORDERS (40):** Approved

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

**ALJ PROPOSAL FOR DECISION (1):** Approved.