

ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
November 13, 2006

This report is written to describe E&D Committee actions and trends. There were six (6) Eligibility Requests, three (3) Petitioners' Requests for Exception to a Previous Board Order, ten (10) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, forty-eight (48) Disciplinary Agreed Orders, forty-nine (49) Default Revocation Orders, two (2) Motions for Rehearing, and three (3) ALJ Proposals for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (6)

Approved with Stipulations (5):

1. Male Petitioner charged July 16, 1994 w/misdemeanor offense of Driving While License Suspended; granted an Order of Dismissal due to a conviction in another case. Nov. 18, 1994 charged with misdemeanor offense of Driving While License Suspended, entered a plea of guilty and was sentenced to six (6) months probation; released from probation July 18, 1995. Arrested August 18, 2000 for 3rd degree felony offense of Intoxicated Assault, granted an Order of Dismissal due to a conviction in another case on September 19, 2001. August 27, 2001 charged w/2nd degree felony offense of Aggravated Assault-Causing Serious Bodily Injury; pled guilty and sentenced to six (6) years probation to be completed August, 2008. Underwent forensic psychological eval. to include chemical dependance component/polygraph examination. Results were rendered invalid due to gross positive impression management and significant defensiveness. Psychologist is unable to reliably offer opinions or conclusions regarding Petitioner's ability to conduct himself in accordance w/requirements of the Board. Petitioner was issued a previous Board Order on April 22, 2004 by the Board of Vocational Nurse Examiners placing his LVN license on probation for three (3) years.
2. Female Petitioner issued a citation for Possession of Drug Paraphernalia at the age of thirteen (13). Charged w/misdemeanor offense of Theft at fourteen (14) years of age. March 5, 2000 was issued a citation for the misdemeanor offense of Minor in Possession of Alcohol and paid a fine. Arrested February 18, 2004 for misdemeanor offense of Possession of Drug Paraphernalia. Charges were pending at the time of application for initial licensure in December 2004, although Petitioner states that charges have been dismissed. Charged June 30, 2005 with misdemeanor offense of Illegal Window Tinting Device; entered a plea of guilty and proceedings were deferred w/o adjudication of guilt for ninety (90) days. Petitioner has attended therapy for ten (10) sessions, and has kept all appointments as scheduled and been open and appropriate. Petitioner's Counselor recommends Petitioner be allowed to sit for her nursing examinations and, if passed, be licensed.

3. Male Petitioner arrested for Driving While Intoxicated on July 20, 1988. Placed on probation for twenty-four (24) months and assessed a fine/court costs in the amount of \$493 required to attend and complete DWI Education Program, probation terminated September 28, 1990. Changed w/misdemeanor offense of Theft by Check on August 24, 1993, case was dismissed for the reason that Petitioner made full restitution in the amount of \$192. Petitioner was charged w/misdemeanor offense of issuance of a Bad Check June 8, 1994, assessed a fine and court costs, given jail credit for fine and paid restitution/fee of \$270. February 5, 1996 charged w/the offense of Failure to Identify to a Peace Officer; paid fine and costs of court in the amount of \$204. Petitioner appeared before the E&D Committee of Sept. 2006 and was continued until an additional forensic psychological evaluation w/polygraph exam could be obtained. Petitioner seen October 21, 2006 by Psychologist who states that the probability is high that Petitioner would consistently behave in accordance with the Board Rules.
4. Male Petitioner charged March 20, 1981 w/first degree felony offense of Voluntary Manslaughter; entered plea of not guilty; found guilty and sentenced to two (2) years confinement in TDPS and \$10,000 fine. Forensic psychological evaluation and polygraph exam indicated that Petitioner was free from any indicators of significant psychological impairment or disturbance that might prevent Petitioner from adequately assuming the responsibility and discharging the duties of professional nursing.
5. Female Applicant under doctor's care since October 19, 2005 for bipolar disorder. Applicant has been compliant with all treatment recommendations and has attended all appointments. Applicant's doctor anticipates that Applicant will remain stable with continued medication management and psychiatric follow-up. Physician's letter dated October 25, 2006 states bipolar disorder is currently well established, and she is complaint with use of medications and her follow-up visits and it is the physician's opinion that Applicant is able to work full-time as a nurse.

Continued (1):

1. Female Petitioner charged February 11, 1994 with the misdemeanor Class B offense of Theft; pled guilty and proceedings were deferred w/o adjudication of guilt; assessed fine and court costs of \$525 and placed on probation for six (6) months. Petitioner charged with misdemeanor Class A offense of Theft (shoplifting) November 26, 2000; pled nolo contendere and was assessed a fine of \$100 and 100 hours of community service w/probation for one (1) year. March 6, 2001 charged w/felony offense of Forgery of Financial Instrument; plead guilty to lesser Class A Misdemeanor offense of Attempted Forgery. Sentenced to confinement in the Travis County Correctional Facility for one (1) year suspended and two (2) years community supervision. Assessed a fine in the amount of \$500. Petitioner also sentenced to serve ten (10) days in Travis County Jail; discharged from community supervision October 17, 2003.

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

1. Agreed Order stands; no change to Order.
2. Exception Granted.
3. The following Exceptions were granted: Stipulation 7 of Agreed Order amended to allow night shift work. Stipulation 8 of Agreed Order amended to omit the exclusion of labor and delivery.

ELIGIBILITY AGREED ORDERS (10): Approved

REINSTATEMENT AGREED ORDERS (2): Approved.

DISCIPLINARY AGREED ORDERS (48): Approved.

DEFAULT REVOCATION ORDERS (49): Approved.

DEFAULT SUSPENSION ORDERS (0):

MOTIONS FOR REHEARING (2): One (1) Granted; One (1) Denied.

ALJ PROPOSAL FOR DECISION (3): Approved.

**ELIGIBILITY AND DISCIPLINARY COMMITTEE REPORT FOR
December 11, 2006**

This report is written to describe E&D Committee actions and trends. There were three (3) Eligibility Requests, ten (10) Eligibility Agreed Orders, two (2) Reinstatement Agreed Orders, thirty-five (35) Disciplinary Agreed Orders, nine (9) Default Revocation Orders, three (3) Motions for Rehearing, and three (3) ALJ Proposals for Decision.

NATURE OF ELIGIBILITY REQUESTS AND RESOLUTIONS

PETITIONER / APPLICANTS (3)

Approved with Stipulations (3):

1. Female Petitioner charged October 2, 2003 w/Forgery in Lamb County, Texas; entered plea of guilty; proceedings were deferred without adjudication of guilt. Petitioner was placed on probation for three (3) years and was discharged from probation on October 31, 2006.
2. Female Applicant arrested on June 12, 1992 for misdemeanor offense of Making False Declaration of Ownership to Pawnbroker and Concealing Stolen Property; charges were dismissed on October 8, 1992. Received forensic evaluation which stated Applicant is fit for unrestricted, unsupervised duty as a licensed vocational nurse. Exam did not support a diagnosis of any major psychiatric disorder, cognitive impairment, or character pathology.
3. Male Petitioner arrested October 7, 1997 for misdemeanor offense of Possession of Marijuana; disposition was held by the Cty. Atty's Office of Kerrville, TX. On June 13, 2002 charged with 2nd degree felony offense of Intoxicated Manslaughter; entered a plea of guilty and was sentenced to five (5) years probation. Scheduled for discharge from probation June, 2007.

ELIGIBILITY AGREED ORDERS (10): Approved

REINSTATEMENT AGREED ORDERS (2) Approved.

DISCIPLINARY AGREED ORDERS (35): Approved.

DEFAULT REVOCATION ORDERS (9): Approved.

DEFAULT SUSPENSION ORDERS (0):

MOTIONS FOR REHEARING (3): two (2) Granted; One (1) Denied.

E&D Committee Meeting Report
For December 11, 2006

ALJ PROPOSAL FOR DECISION (3): Approved.