



5. Respondent's professional nursing employment history includes:

06/1997 - 04/1998	RN	VITAS Hospice Dallas, Texas
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Respondent's professional nursing employment history continued:

05/1998 - 02/1999	RN	Parkview Regional Hospital Mexia, Texas
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03/1999 - 03/2007	RN	Providence Health Center Waco, Texas
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03/1999 - 01/2003	ADON	Lake Shore Village Nursing & Rehab Waco, Texas
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04/2007 - 03/2009	RN	Goodall Witcher Health Foundation Clifton, Texas
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03/2009 - Present	Employment history unknown.	
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6. On May 21, 1997, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and May 21, 1997, Eligibility Order is attached and incorporated, by reference, as part of this Order.
7. On November 18, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required him to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and November 18, 2008, Agreed Order is attached and incorporated, by reference, as part of this Order.
8. At the time of the initial incident, Respondent was employed as a Registered Nurse with Goodall Witcher Health Foundation, Clifton, Texas, and had been in this position for one (1) year and eleven (11) months.
9. On or about March 26, 2009, while employed as a Registered Nurse with that Goodall Witcher Health Foundation, Clifton, Texas Respondent lacked fitness to practice professional nursing, in that he was found sleeping while on duty. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential

danger.

10. In response to Finding of Fact Number Nine (9), Respondent states: "On March 21, 2009, I had a meeting with Joyce McDowell and was informed that an agency nurse had reported finding me asleep on the job. This was untrue. I was suspended for three days."
11. On or about July 23, 2009, Respondent engaged in the intemperate use of Alcohol, in that he produced a specimen for a random drug screen requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for Alcohol. Additionally, he failed to submit specimens for random drug screens, as requested by TPAPN on September 10, 2009, November 30, 2009 and December 14, 2009. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. In response to Finding of Fact Number Eleven (11), Respondent states: "My testing positive for Alcohol enzymes was the result of having balsamic vinegarette dressing at a restaurant. During a conversation with the MRO, I was informed that said dressings can have a 6% alcohol content. I discussed this with the TPAPN case manager and was informed that since the amount of alcohol in the testing was so small, I could start my program over. After missing a call-in and testing on September 10, 2009, I contacted that TPAPN case manager and explained that I was working temporary day labor and was having difficulty calling due to the type of work schedule. On November 30, 2009, I informed the case manager that I would be in San Francisco for the Thanksgiving with my family. I also entered this online with drug testing. I contacted both TPAPN and Drug Testing and told them that I would be unable to test. I did not receive information on where to test. On December 14, 2009, I did not arrive on time for drug testing as apparently the collection site stops collecting specimens one hour before closing. I contacted my TPAPN Advocate and case manager to inform them that I was unable to test. I have seen my family physician monthly since November 2006 when I first started my recovery program. I also have documented my 12-Step meeting attendance, as well as documented drug screens showing my continued sobriety."
13. On or about July 23, 2009, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing, on November 18, 2008. The non-compliance is the result of his failure to comply with Stipulations Number Three (3) of the Order dated November 18, 2008. Which reads, in pertinent part:

(3) PETITIONER SHALL, comply with al requirements of the TPAPN contract during its term.

On December 22, 2009, Respondent was dismissed from TPAPN and referred to the Board.

14. Respondent's last known date of sobriety is July 23, 2009, as indicated in Finding of Fact Number Eleven (11).
15. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Section 301.452(b)(1),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B). and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5),(9),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 640879, heretofore issued to GORDON JOSLIN, including revocation of Respondent's license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 640879, previously issued to GORDON JOSLIN, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 640879 previously

issued to GORDON JOSLIN, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for

the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred and fifty dollars (\$750). RESPONDENT SHALL pay this fine within ninety (90) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY**

**PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the

same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three

(3) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT.

RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
GORDON JOSLIN, Respondent

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

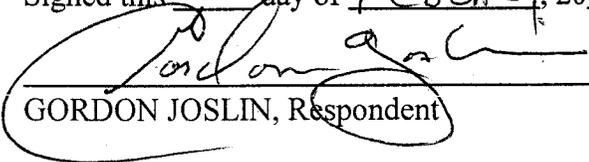
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\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

RESPONDENT'S CERTIFICATION

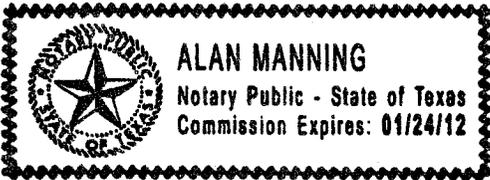
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of February, 2011.

  
\_\_\_\_\_  
GORDON JOSLIN, Respondent

Sworn to and subscribed before me this 28<sup>th</sup> day of February, 2011.

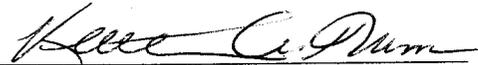
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\_\_\_\_\_  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28<sup>th</sup> day of February, 2011, by GORDON JOSLIN, Registered Nurse License Number 640879, and said Order is final.

Effective this 28<sup>th</sup> day of April, 2011.



Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse  
License Number 640879  
issued to GORDON JOSLIN

§  
§     AGREED  
§     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GORDON JOSLIN, Registered Nurse License Number 640879, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 25, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from El Centro College, Dallas, Texas on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on June 17, 1997.
5. Respondent's professional nursing employment history includes:

6/97-4/98

RN

VITAS Hospice  
Dallas, Texas

Respondent's professional nursing employment history continued:

5/98-2/99	RN	Parkview Regional Hospital Mexia, Texas
3/99-3/07	RN	Providence Health Center Waco, Texas
9/02-1/03	ADON	Lake Shore Village Nursing & Rehab Waco, Texas
4/07-Present	RN	Goodall-Witcher Healthcare Foundation Clifton, Texas

6. On May 21, 1997, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas dated May 21, 1997, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed with Providence Health Center, Waco, Texas, and had been in this position for approximately seven (7) years and seven (7) months.
8. On or about October 1, 2006, through November 14, 2006, while employed with Providence Health Center, Waco, Texas, Respondent withdrew Morphine from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs) and/or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient which could result in an overdose.
9. On or about October 1, 2006, through November 14, 2006, while employed with Providence Health Center, Waco, Texas, Respondent withdrew Morphine from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medication. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about October 1, 2006, through November 14, 2006, while employed with Providence Health Center, Waco, Texas, Respondent misappropriated Morphine belonging to the facility. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. On or about November 17, 2006, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Morphine and Hydromorphone in that he produced a specimen for drug screening which resulted positive for Morphine and Hydromorphone. Possession of Morphine and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Hydromorphone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. On or about February 25, 2007, while employed with Providence Health Center, Waco, Texas, Respondent misappropriated Morphine in that he admitted to taking Morphine out of the sharps container. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
13. On or about February 25, 2007, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Morphine in that he produced a specimen for drug screening which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
14. Regarding the conduct outlined in Findings of Fact Numbers Eight (8) through Thirteen (13), Respondent states that they are "accurate and true."
15. On or about August 30, 2007, while employed with Goodall-Witcher Healthcare Foundation, Clifton, Texas, Respondent engaged in the intemperate use of Propoxyphene in that he produced a specimen for drug screening which resulted positive for Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
16. Regarding the conduct outlined in Finding of Fact Number Fifteen (15), Respondent states that two nights before the drug test was administered, he asked a friend for an Ibuprofen. He was handed a pill which he thought was Ibuprofen. Respondent adds that it does not eliminate his responsibility and that he is aware he must remain ever vigilant in regard to his recovery.

17. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
19. Respondent's conduct described in Finding of Fact Numbers Eight (8) through Thirteen (13), and Fifteen (15) resulted from Respondent's dependency on chemicals.
20. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11 (1)(A),(B)&(D) and §217.12(1)(A)&(B),(4),(6)(G),(10)(A),(C)&(D),&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 640879, heretofore issued to GORDON JOSLIN, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to GORDON JOSLIN, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

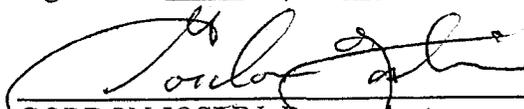
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RESPONDENT'S CERTIFICATION

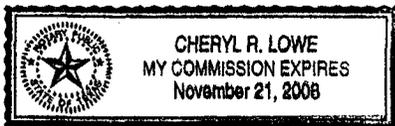
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

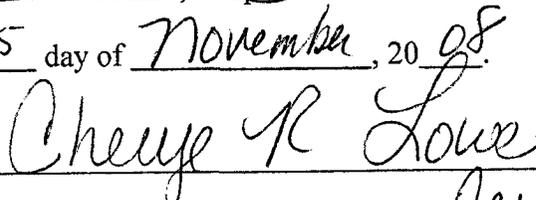
Signed this 15 day of November, 2008.

  
\_\_\_\_\_  
GORDON JOSLIN, Respondent

Sworn to and subscribed before me this 15 day of November, 2008.

SEAL



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 15<sup>th</sup> day of November, 2008, by GORDON JOSLIN, Registered Nurse License Number 640879, and said Order is final.

Entered and effective this 18<sup>th</sup> day of November, 2008.



*Katherine A. Thomas*  
Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of  
Gordon Lee Joslin  
  
Petitioner for Eligibility for  
Licensure

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§

ORDER  
OF  
CONDITIONAL ELIGIBILITY

A public meeting was held on April 29, 1997, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners, at the Guadalupe Tower III, Suite 460, Austin, Texas, in which the Petition for Declaratory Order of Gordon Lee Joslin, hereinafter referred as Petitioner, was considered.

In attendance were: Board Members -- Kenneth W. Lowrance, MS, RN, CS, FNP-C; Mary Letrice Kemp Brown, RN; and Nancy Boston, Consumer Member. Staff present were William E. Hopkins, General Counsel; Penny Hurrey Burt, Of Counsel; Anthony L. Diggs, Director of Investigation;s; Cheryl Sepulveda, Legal Assistant; and Wendy McRoberts, Administrative Assistant. Petitioner appeared in person and was not represented by counsel.

FINDINGS OF FACT

1. On or about October 29, 1996, Petitioner submitted a Petition for Declaratory Order in compliance with Article 4519a(1), Texas Revised Civil Statutes, Annotated, as amended.
2. On or about December 12, 1996, Petitioner graduated from an Associate Degree Nursing Program at El Centro College, Dallas, Texas.
3. On or about December 23, 1996, Petitioner submitted an Application for Initial Licensure for Graduates of Schools in the United States.
4. Petitioner waived representation, notice and hearing.

5. On or about August 25, 1986, in the 144th Judicial District Court, Bexar County, Texas, in Cause Number 86CR0170, Petitioner was convicted of the offense of Theft of Property Value Seven Hundred Fifty Dollars or Over and Less than Twenty Thousand Dollars. The offenses occurred (10 Counts) between April 13, 1985 and July 7, 1985. Petitioner was placed on probation for five years and Ordered to pay: Court Costs in the amount of \$100.00; Restitution in the amount of \$2,377.00; and a monthly supervisory fee of \$35.00. Petitioner was Ordered to report to and apply for drug treatment and/or diagnostic evaluation to the First Baptist Church of the Colony, Colony, Texas. Petitioner met the conditions of the Court and was dismissed from probation on or about October 15, 1991. Petitioner was 28 years old at the time of the offenses.
6. There is no evidence of any subsequent conviction.
7. Petitioner submitted the following letters of recommendation from:
- Matt Wadsworth, Volunteer Coordinator, Vitas Healthcare Corporation, Denison, Texas;
  - Kathy Slaughter, Area of Volunteer Services, Vitas Healthcare Corporation, Denison, Texas;
  - Marsha Gaston, RN, Coordinator, 3E, Irving Healthcare System, Irving, Texas;
  - Perry K. Randall, Vocational Rehabilitation Counselor I, Dallas Central Field Office, Texas Rehabilitation Commission, Dallas, Texas;
  - James L. Wasinger, Irving, Texas; and
  - Davyc Ann Ballew, Mexia, Texas.
8. The Committee considered the evidence of Petitioner's felony conviction and evaluated the direct relationship of the crime committed by the Petitioner to the practice of nursing pursuant to the requirements of Article 6252-13c (b), Texas Revised Civil Statutes, Annotated, as amended, and the factors enumerated in 22 Texas Administrative Code, §213.28 (c), including but not limited to the nature and circumstances of the offenses and the absence of any conviction subsequent to the one listed in findings of fact number five (5) above.
9. The Committee considered the evidence of Petitioner's post-offense behavior, as submitted by Petitioner. In light of this evidence and the character factors set out in 22 Texas Administrative Code, § 213.27(b), the Committee determined that Petitioner has exhibited an ability to conform his conduct to the requirements of the penal laws, the Nursing Practice Act and general nursing standards.
10. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading, will be considered and may result in an ultimate determination of ineligibility prior to licensure or the later revocation of a license deemed to have been obtained through misrepresentation.

11. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Committee finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.
12. The Committee further finds that the stipulations hereinafter set forth are necessary to assure that the public will be protected and that the Petitioner will continue to conform his conduct to the requirements of the law and the Board's practice standards.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a) Texas Revised Civil Statutes, Annotated, as amended.
2. Petitioner has submitted a petition in compliance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.
3. Petitioner's criminal history reflects a felony conviction which is a ground for denial of a license under Article 4525(b)(3), TEX. REV. CIV. STAT. ANN., as amended.
4. The Board may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code, §213.28 and evaluating the direct relationship to nursing according to Article 6252-13c(b) TEX. REV. CIV. STAT. ANN., as amended.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code, §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice including, but not limited to, behavior indicating: honesty, accountability, trustworthiness, reliability and integrity.

NOW, THEREFORE, IT IS ORDERED that upon payment of any required fees, Gordon Lee Joslin is conditionally eligible to sit for the National Council Licensure Examination for Registered Nurses.

IT IS FURTHER ORDERED that Petitioner SHALL immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Article 4525, TEX. REV. CIV. STAT. ANN., as amended. In the absence of any fact or event constituting a ground for

refusal and upon attaining a passing grade on the NGLEX-RN, Petitioner shall be issued a CODED LICENSE to practice nursing in the State of Texas. Petitioner's license shall be subject to the following STIPULATIONS:

1. Within one year of Petitioner's initial licensure date, Petitioner shall successfully complete a Board approved course in Nursing Jurisprudence.
2. Within one year of Petitioner's initial licensure date, Petitioner shall successfully complete a Board approved course in ethics with a special emphasis on personal and professional responsibility and respect for interpersonal boundaries and the rights and property of others.

Petitioner's license shall be subject to the following stipulations for TWO (2) YEARS. Stipulations, number three (3) and number four (4), may only be satisfied while Petitioner is employed as a registered nurse in a clinical practice setting.

3. Petitioner SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations of Petitioner's license. Petitioner SHALL present a copy of this order to each present employer within five (5) days of notification of this Order. Petitioner SHALL notify all potential employers in professional nursing of this Order of the Board and the stipulations on Petitioner's license. Petitioner SHALL present a copy of this Order to each potential employer prior to employment.
4. Petitioner SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form to the Board's office within ten (10) days of notification of this Order. Petitioner SHALL CAUSE each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

IT IS FURTHER ORDERED that Petitioner shall comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq. and this Order.

IT IS FURTHER ORDERED that upon full compliance with the terms of this Order, Petitioner may be issued an unencumbered license to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATE

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

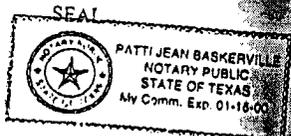
In connection with my petition, I acknowledge that I have read and I understand Article 4519a and Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended, and Board Rules 213.27 and 213.28 at 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order including the Findings of Fact and Conclusions of Law and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to registering for the NCLEX-RN or accepting any permit or license from the Board of Nurse Examiners.

I understand that I may be represented by an attorney in this matter. I waive representation, notice and hearing and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 14th day of May, 1997.

Gordon Lee Joslin  
GORDON LEE JOSLIN

Sworn to and subscribed before me by the said Gordon Lee Joslin this 14th day of May, 1997.



Patti Jean Baskerville  
Notary Public in and for the State of

Entered this 21st day of May 19 97

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

*Katherine A. Thomas*  
By: Katherine A. Thomas, MN, RN  
Executive Director

- Attachments: [1] Article 4519a, Texas Revised Civil Statutes, Annotated, as amended  
[2] Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended  
[3] Rule 213.27, 22 Texas Administrative Code  
[4] Rule 213.28, 22 Texas Administrative Code