

6. On or about September 28, 1983, Respondent was convicted of DRIVING WHILE INTOXICATED (a misdemeanor offense committed on August 23, 1983), in the County Court of Kerrville, Texas, under Cause Number 9670. As a result of the conviction, Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.
7. On or about September 7, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2nd (a misdemeanor offense committed on July 20, 1988), in the County Court at Law Kerrville, Texas, under Cause Number CR88-997. As a result of the conviction, Respondent was sentenced to confinement in the Kerrville County Jail for a period of one (1) year, however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about June 12, 1997, Respondent was convicted of DRIVING WHILE INTOXICATED 2nd (a Class A misdemeanor offense committed on February 20, 1997), in the County Court at Law Kerr, Texas, under Cause Number CR970347. As a result of the conviction, Respondent was sentenced to confinement in the Kerr County Jail for a period of one hundred and eighty (180) days, however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.
9. On or about July 9, 2001, Respondent entered a plea of Guilty and was convicted of THE LESSER INCLUDED OFFENSE OF DRIVING WHILE INTOXICATED 2nd (a Class A misdemeanor offense committed on March 31, 2000), in the 214th District Court, Corpus Christi, Texas, under Cause Number 00-CR-2339-F. As a result of the conviction, Respondent was sentenced to confinement in the Nueces County Jail for a period of twelve (12) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs, and to install and Ignition Interlock Device on his vehicle once his driving privileges were restored.
10. On or about November 29, 2001, Respondent entered a plea of Nolo Contendere and was convicted of FELONY DWI (a 3rd Degree Felony offense committed on April 8, 2001), in the 216th Judicial District Court of Kerr County, Texas, under Cause Number A01-244. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of three (3) years; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay a fine and court costs.
11. On or about May 4, 2009, Respondent entered a plea of No Contest and was convicted of DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree Felony offense

committed on September 2, 2006), in the 277th District Court of San Antonio, Texas, under Cause Number 2006CR10149 . As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of two(2) years. Additionally, Respondent was ordered to pay a fine and court costs.

12. On or about April 3, 2008, Respondent submitted a Texas Online Renewal Document to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about September 2, 2006, Respondent was arrested for DRIVING WHILE INTOXICATED 3RD OR MORE in Bexar County, Texas.

13. In response to Findings of Fact Numbers Six (6) through Eleven (11), Respondent states that unfortunately he has suffered with alcoholism for most of his life. This has led him to numerous arrests and DWI. Two of these arrests, in 1983 and 1988, were before he became a nurse and resulted in deferred adjudication. He again had charges in 1997, 2000, and 2001, each resulting in probation of two to three years each. None of the above arrests or charges occurred while he was on duty, or on his way to or from work. The charges did not affect his job performance or his employers at the time. He is aware that relapse is an ever present possibility for an alcoholic. But between each arrest, he had long periods of sobriety. After his last arrest in 2006, he obtained treatment at an inpatient facility and is now following up with three to six AA meetings a week.
14. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

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 violations of Article 4528c, sec 10(a)(9) Tex. Rev. Civ. Stat. Ann. (effective 9/1/1995), Section 302.402(a)(10)(effective 9/1/1999), Section 302.402(a)(3)&(10)(effective 9/1/2001), Section 301.452(b)(2),(3)&(9)&(10)(effective 9/1/2007), Texas Occupations Code, 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 9/28/2004) and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(effective after 9/28/2004).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 125602, heretofore issued to ROGER ALLEN STOTTS, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 125602, heretofore issued to ROGER ALLEN STOTTS, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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RESPONDENTS CERTIFICATION

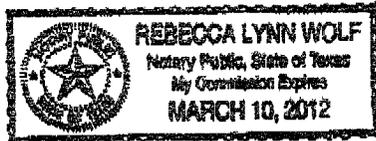
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 7th day of December, 2010.

Roger Allen Stotts
ROGER ALLEN STOTTS, Respondent

Sworn to and subscribed before me this 7th day of December, 2010.

SEAL



Rebecca Lynn Wolf
Notary Public in and for the State of Texas

Approved as to form and substance.
[Signature]

Nancy Roper Wilson
NANCY ROPER WILSON, Attorney for Respondent

Signed this 7th day of December, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 125602, previously issued to ROGER ALLEN STOTTS.



Effective this 8th day of December, 2010.


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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 125602, Issued to §
ROGER ALLEN STOTTS, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, **ROGER ALLEN STOTTS**, is a Vocational Nurse holding license number 125602, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 28, 1983, Respondent was convicted of DRIVING WHILE INTOXICATED (a misdemeanor offense committed on August 23, 1983), in the County Court of Kerr County, Texas, under Cause Number 9670. As a result of the conviction, Respondent was sentenced to confinement in the Kerr County Jail for a period of thirty (30) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(9)(effective 9/1/1981).

CHARGE II.

On or about September 7, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2nd (a misdemeanor offense committed on July 20, 1988), in the County Court at Law of Kerr County, Texas, under Cause Number CR88-997. As a result of the conviction, Respondent was sentenced to confinement in the Kerrville County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(9)(effective 9/1/1985), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/1985).

CHARGE III.

On or about June 12, 1997, Respondent was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 20, 1997), in the County Court at Law of Kerr County, Texas, under Cause Number CR970347. As a result of the conviction, Respondent was

sentenced to confinement in the Kerr County Jail for a period of one hundred and eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(9)(effective 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 11/1/1996).

CHARGE IV.

On or about July 9, 2001, Respondent entered a plea of Guilty and was convicted of THE LESSER INCLUDED OFFENSE OF DRIVING WHILE INTOXICATED 2nd (a Class A misdemeanor offense committed on March 31, 2000), in the 214th District Court, Nueces County, Texas, under Cause Number 00-CR-2339-F. As a result of the conviction, Respondent was sentenced to confinement in the Nueces County Jail for a period of twelve (12) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs, and to install an Ignition Interlock Device on his vehicle once his driving privileges were restored.

The above action constitutes grounds for disciplinary action in accordance with TEX. OCC. CODE. ANN. §302.402(a)(10)(effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/1999).

CHARGE V.

On or about November 29, 2001, Respondent entered a plea of Nolo Contendere and was convicted of FELONY DWI (a 3rd Degree Felony offense committed on April 8, 2001), in the 216th Judicial District Court of Kerr County, Texas, under Cause Number A01-244. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of three (3) years; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. OCC. CODE. ANN. §302.402(a)(3)(10)(effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/2001).

CHARGE VI.

On or about April 3, 2008, Respondent submitted a Texas Online Renewal Document to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?

- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
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- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about September 2, 2006, Respondent was arrested by the Bexar County Sheriff's Department for DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree Felony offense).

The above action constitutes grounds for disciplinary action in accordance with TEX. OCC. CODE.ANN. §301.452(b)(2),(3),(9)&(10)(effective 9/1/2007), and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(effective 9/1/2007)

CHARGE VII.

On or about May 4, 2009, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree Felony offense committed on September 2, 2006), in the 277th District Court of Bexar County, Texas, under Cause Number 2006CR10149. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. OCC. CODE.ANN. §301.452(b)(3),(9)&(10)(effective 9 /1/2007), and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(effective 9/1/2007).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

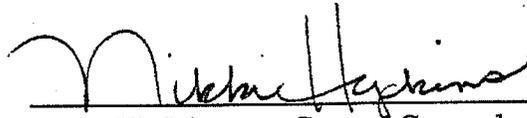
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 2nd day of August, 2010.

TEXAS BOARD OF NURSING



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