BEFORE THE TEXAS BOARD OF NURSING

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TEXAS BOARD OF NURSING

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

Executive Director of the Board

In the Matter of Vocational Nurse	§
License Number 153032	§
issued to FREDERICK WAYNE BOLDIN	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 153032, issued to FREDERICK WAYNE BOLDIN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 10, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on August 10, 1995.

4. Respondent's complete nursing employment history is unknown.

5. a. On or about June 27, 1991, Respondent entered a plea of No Contest to AGGRAVATED ROBBERY WITH A DEADLY WEAPON (a Felony offense committed on May 11, 1991), in the Criminal District Court No. 2 of Dallas County, Texas, under Cause Number F-9162063. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of ten (10) years. Additionally, Respondent was ordered to pay a fine and court costs. Community supervision expired June 6, 1997.

b. On or about February 23, 2004, Respondent entered a plea of No Contest to POSSESSION OF A CONTROLLED SUBSTANCE PG1 < 1G (a State Jail Felony offense committed on December 23, 2003), in the 175th Criminal District Court of Bexar County, Texas, under Cause Number 2004-CR0640W. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay restitution of one hundred and sixty-eight ($168) dollars, a fine and court costs.

c. On or about August 5, 2005, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the following question:

"Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilty. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "yes". You may answer "No" if you have disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that on or about February 23, 2004, Respondent entered a plea of No Contest to POSSESSION OF A CONTROLLED SUBSTANCE PG1 < 1G (a State Jail Felony offense committed on December 23, 2003), in the 175th Criminal District Court of Bexar County, Texas, under Cause Number 2004-CR0640W.

d. In response POSSESSION OF CONTROLLED SUBSTANCE plea, Respondent states: "On December 24, 2003, he was riding with family members. They stopped at a corner store. While in the store, a disturbance began outside of the store. As they were leaving the store the San Antonio Police pulled in the parking lot. The Police began to question everyone. While the police were questioning them, an officer approached the car he was riding in. The officer asked who did the car belonged to. They advised whose vehicle it was. The officer asked if it was alright to search the vehicle and they agreed. He had a backpack in the backseat. The police found a cigarette pack in the backpack. Inside it was a small amount of cocaine. The police asked whose bag it was. He advised it was his. The officer questioned him about the drugs he found. He told the officer it was not his. No one else that I was with claimed the drugs, so he was arrested for it."

e. On or about June 1, 2009 Respondent was seen by Sean G. Connolly Ph.D to undergo a forensic psychological evaluation to include a chemical dependency and polygraph examination by Jack B. St. John.

Frederick Boldin is a 35 year-old man who presents for psychological evaluation as part of an investigation into this licensure, and history of some conflicts with the law authorities and, apparently, the fact that these were not reported to the Board. He presents as a person of average intelligence, and his personality profile is generally within the normal range, indicating the absence of any psychological disorder. He does present as rather defensive and guarded in responding to the questionnaires, but not to the point of invalidating the instruments. It is not unusual for individuals under his circumstances to be somewhat defensive and guarded in responding to personality items. There is no evidence of any chemical dependency history, and the instruments and subscales of tests that tap this factor would indicate the absence of any addictive personality or propensity for use of drugs. From the clinical history, he does show some moderate difficulties with judgment assessing consequences of behavior, being influenced by others, and possibly lack of attentiveness to details. However there is no evidence of any psycohopathology.

The data from the clinical interview, as reported, as well as the data from objective test data would predict a generally stable individual who has the capacity to function within his profession in an appropriate and stable way. Clearly, the situations that have precipitated this investigation show some pattern of poor judgment, being influenced by others, or lack of trust in or insight into other people's behavior and their potential influence on him. The data would indicated adequate personality and psychological functioning to observe the guidelines and regulations of the licensing board.

Aggravated Robbery test- Number of Charts: four (4)- No Deception Indicated (NDI)
Possession Cocaine test- Number of Charts: four (4)- Deception Indicated (DI)
Family Violence test- Number of Charts: four (4)- No Deception Indication (NDI)

f. On or about April 15, 2010, Respondent entered a plea of No Contest and was convicted of THEFT OF PROPERTY >=$50 <$500 (a Class B Misdemeanor offense committed on April 3, 2010), in the County Court at Law No 1 of Bexar County, Texas, under Cause Number 323126. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Jail for a period of twenty-five (25) days. Additionally, Respondent was ordered to pay a fine and court costs.

The proposed Agreed Order, offered to Respondent on June 25, 2010, included stipulations that Respondent complete a class in Texas Nursing Jurisprudence, pay a monetary fine of five hundred dollars ($500.00), and complete two (2) years of supervised nursing practice while abstaining from drugs and alcohol and while submitting to random periodic drug screens.

6. On August 12, 2010, Respondent submitted a statement to the Board voluntarily surrendering his license to practice vocational nursing in Texas. A copy of Respondent's statement, dated August 12, 2010, is attached and incorporated herein by reference as part of this Order.

7. 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.

8. 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 Section 301.452(b)(2),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 153032, heretofore issued to FREDERICK WAYNE BOLDIN, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of 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 of vocational 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 registered 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Effective this 25th day of August, 2010.

TEXAS BOARD OF NURSING

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

August 12, 2010

To Whom It May Concern,

I Fredercik Wayne Boldin, LVN, license number 153032 voluntarily surrender my Nursing License to the Texas State Board of Nurses. I do this by my own free will. I am able to obtain a job in Nursing due to my criminal background. I am also unable to go by the standards that were set by the board in a letter from you all. Thank you for your understanding in this matter.

Thank You,

Frederick Wayne Boldin

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