BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 92806	§	
issued to LORI HARPER BILSKI	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo: accepted the voluntary surrender of LORI HARPER BILSKI Nurse License Number 92806, issued to LORI HARPER BILSKI, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Houston Vocational Nursing Program Houston, Texas, on September 4, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on December 11, 1981.

5. Respondent's vocational nursing employment history is unknown.

6. On or about June 21, 1978, Respondent was convicted of DRIVING A MOTOR VEHICLE UPON A PUBLIC ROADWAY WHILE INTOXICATED (a Class B misdemeanor offense committed on September 29, 1977), in the County Court at Law of Taylor County, Texas,

under Cause No. 35,288. 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. Respondent was released from probation on March 6, 1979.

7. In response to Finding of Fact Number Six (6), Respondent states that on September 29, 1977, she was 18 years old and at the time she did not have an LVN license. Charges were adjudicated and terms were met.

8. On or about February 17, 1995, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on November 18, 1994), in the County Court at Law No. 1 of Taylor County, Texas, under Cause No. 90877. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of ninety (90) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was released from probation on February 7, 1997.

9. In response to Finding of Fact Number Eight (8), Respondent states that on November 18, 1994, she was charged with DWI. The required probation and terms were met.

10. On or about February 5, 2008, Respondent was arrested by the Clyde Police Department, Clyde, Texas, for POSS DANGEROUS DRUG (a Class A misdemeanor offense). Respondent was subsequently charged under Cause No. 21993 for PUBLIC INTOXICATION. On or about April 17, 2008, Cause No. 21993 was dismissed in the County Court of Callahan County, Texas, for the reason: "Public Intoxication - For plea to other case."

    On or about February 25, 2008, Respondent entered a plea of Guilty and was convicted of PUBLIC INTOXICATION (a Class C misdemeanor offense committed on February 5, 2008), in the Municipal Court, City of Clyde, Callahan County, Texas, under Cause No. 08-004901. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

11. In response to Finding of Fact Number Ten (10), Respondent states that on February 5, 2008, she was pulled over by police for making a u-turn in an intersection and a prescription RX was found in the bottom of her purse - Xanax. No legal action was taken and I assumed the charges were dropped.

12. On or about July 9, 2009, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED WITH ACCIDENT(a Class B misdemeanor offense committed on October 21, 2008), in the County Court at Law 1 of Taylor County, Texas, under Cause No. 1-180-09. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was

placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

13. In response to Finding of Fact Number Twelve (12), Respondent states that on October 21, 2008, she was charged with DUI. On that evening, she was with her boyfriend at a party celebrating a friend's birthday. She was there approximately 2 hours in which time she had a few drinks, but she was not driving, so she was not concerned. Her plans were to spend the night at her boyfriend's house. On the way to his house they began to argue. When they arrived at his house, she took an over the counter sleep aid and decided to sleep on the couch. Her boyfriend continued to argue and after about 30 minutes he told her she needed to leave his house. She had no way of calling a friend or a taxi, so she got in her car and started home. By this time, the sleeping aid had begun to take effect. She states she was more under the influence of the sleep aid than the alcohol. In hindsight, she believes it wold have been wiser to have just slept in the car, but she was afraid and very upset, and wanted to get away from a potentially volatile situation and just go home. She is ashamed of the situation she put herself in and she knows she used poor judgment. She feels that this incident is separate from her nursing. She never drank on the job nor has she done anything else that would impair her ability or judgment as a nurse. She currently attends at least one AA meeting per week, sometime more if needed. She checks in with her probation officer twice a week for scram device monitoring. She has not yet completed community service of 50 hours, but will do so within the twelve months as ordered.

14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

15. 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.

16. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13)

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 92806, heretofore issued to LORI HARPER BILSKI, 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 Nurse License Number 92806, heretofore issued to LORI HARPER BILSKI, 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 herself 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 multistage privilege, if any, to practice nursing in the State of Texas.

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 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.

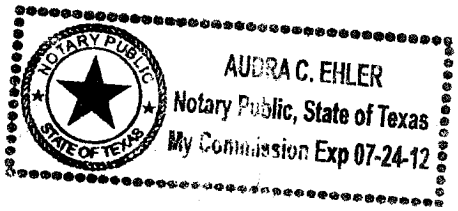
Signed this 3rd day of June, 2010.

Lori Harper Bilski

LORI HARPER BILSKI, Respondent

Sworn to and subscribed before me this 3rd day of June, 2010.

SEAL



Audra C. Ehler

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 the voluntary surrender of Vocational Nurse License Number 92806, previously issued to LORI HARPER BILSKI.

Effective this 15th day of June, 2010.

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