



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.  
*William E. Hopkins*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of §  
Trena Faye Dickson § ORDER  
Applicant for Eligibility for § OF  
Licensure § CONDITIONAL ELIGIBILITY  
§

A public meeting was held on April 29, 1997, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners, at 333 Guadalupe, Tower III, Suite 460, Austin, Texas, in which the application of Trena Faye Dickson, hereinafter referred as Applicant, 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 Puryear Burt, Of Counsel; Anthony L. Diggs, Director of Investigations; Cheryl Sepulveda, Legal Assistant, and Wendy McRoberts, Administrative Technician. Applicant appeared in person and was represented, via telephone conference call, by Jacquelyn Kay Hall, Attorney at Law.

FINDINGS OF FACT

1. On or about December 14, 1995, Applicant graduated from an Associate Degree Nursing Program at Amarillo College, Amarillo, Texas.
2. On or about December 19, 1995, Applicant filed an Application for Initial Licensure for Graduates of Schools in the United States.
3. Applicant waived notice and hearing.
4. On or about October 21, 1981, in the County Court of Hutchinson County, Texas, in Cause Number 13,467, Applicant was convicted of the offense of Theft by Check. Applicant was: placed on probation for one year; fined; and, ordered to pay Court costs, check fee, and restitution in the amount of \$147.64. Applicant met the conditions of the Court. Applicant was 17 years old at the time of her conviction.

5. On or about September 21, 1987, in the 194th Judicial District Court of Dallas County, Texas, in Cause Number F87-94063-M, Applicant pleaded guilty to the offense of Securing Execution of Document by Deception, (a Third Degree Felony). Applicant received deferred adjudication of guilt and was placed on probation for 10 years. Applicant was Ordered to make restitution in the amount of \$6515.76; make restitution in the amount of \$200.00 for her Court Appointed Attorney; and, Ordered to pay a \$25.00 monthly probation fee. The offense occurred on or about October 15, 1985, when Applicant was 21 years of age.
6. On or about July 7, 1994, in the 316th District Court in and for Hutchinson County, Texas, in Cause Number 7448, Applicant was convicted of the offense of Tampering with Government Records (a Felony). Applicant was placed on probation for six years; Ordered to pay a fine in the amount of \$720.00, Court costs in the amount of \$84.50, Restitution in the amount of \$4841.00, and a monthly probation fee of \$10.00. The offense occurred on or about December 10, 1992, when Applicant was 28 years of age.
7. On April 29, 1997, the Eligibility and Disciplinary Committee of the Board considered the evidence of the convictions and evaluated the direct relationship to nursing according to Article 6252-13c(b), Texas Revised Civil Statutes, Annotated, as amended, and 22 Texas Administrative Code, §213.28, including the nature and circumstances of the offenses and the absence of any subsequent conviction.
8. On April 29, 1997, the Eligibility and Disciplinary Committee of the Board considered evidence of Applicant's post conviction behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
9. There is no evidence of any subsequent conviction.
10. Letters of support/recommendation for Applicant were received from the following:
  - (3 letters) Latayne Velasquez, Administrator, Caprock Home Health;
  - (2 letters) Kendell McWilliams, Deputy Fire and Arson Investigator, Hutchinson County Sheriff's Office, Borger, Texas;
  - Rodney Lehman, Community Supervision Officer, Borger, Texas;
  - John LaGrone, District Judge, Stinnett, Texas;
  - Sonja Westerfield, Attorney at Law, Borger, Texas;
  - Clay L. Ballman, District Attorney, 84th Judicial District of Texas, Stinnett, Texas;
  - Jana Satterfield, RN, Caprock Home Health Services, Inc.;
  - DeDeborah Lynn Bullard (not signed), Fritch, Texas;
  - Lillian Q. Overcast, Borger, Texas;
  - Dorothy Babs;
  - Lynnette Haynes;

- Gordon Bayless, Pampa, Texas;
  - Carl Taylor (unsigned);
  - Cookie Taylor (unsigned); and,
  - Mrs. Lewis.
11. Applicant is licensed by the Board of Vocational Nurse Examiners.
  12. The Board's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
  13. The Committee considered the evidence of the Applicant's convictions and evaluated the direct relationship of the crimes committed by the Applicant to the practice of nursing pursuant to the requirements of Article 6252-13c (b), TEX. REV. CIV. STAT. ANN., 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 ones listed in findings of fact number four (4) and number six (6) above.
  14. The Committee considered the evidence of Applicant's post-offense behavior, as submitted by Applicant. In light of this evidence and the character factors set out in 22 Texas Administrative Code, §213.27(b), the Committee has determined that Applicant has exhibited an ability to conform her conduct to the requirements of the penal laws, the Nursing Practice Act and general nursing standards.
  15. Applicant 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 or the later revocation of a license obtained through misrepresentation.
  16. In consideration of Applicant's past conduct and subsequent evidence of rehabilitation, the Committee finds that Applicant should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses (NCLEX-RN).
  17. The Committee further finds that the stipulation hereinafter set forth is necessary to assure that the public will be protected and that Applicant will continue to conform her 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 Texas Revised Civil Statutes, Annotated, as amended, Article 4525(a).
2. Applicant has submitted an application in compliance with TEX. REV. CIV. STAT. ANN., as amended, Article 4518, Section 3 and Article 4519.

3. Applicant's criminal history reflects a felony and a misdemeanor conviction involving moral turpitude 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 crimes 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 her 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, behaviors indicating: honesty, accountability, trustworthiness, reliability and integrity.

NOW, THEREFORE, IT IS ORDERED that Applicant is to immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Article 4525, Texas Revised Civil Statutes, Annotated, as amended.

IT IS FURTHER ORDERED that upon payment of necessary fees, Trena Faye Dickson is declared CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN).

IT IS FURTHER ORDERED that upon attaining a passing grade on the NCLEX-RN, Applicant shall be issued a CODED LICENSE to practice nursing in the State of Texas subject to the reservations set out above and subject to the following STIPULATION:

1. Applicant SHALL CAUSE her probation officer to submit written reports on forms provided by the Board. The reports shall indicate the Applicant's compliance with the Court ordered probation. The reports shall be furnished each and every three (3) month period until Applicant is released from probation in Cause Number 7448 of the 316th District Court of Hutchinson County, Texas.

IT IS FURTHER ORDERED, that Applicant 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.

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

APPLICANT's CERTIFICATION

I am the Applicant 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 Application for Initial Licensure for Graduates of Schools in the United States 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. *except as stated in Addendum to Certification, attached*

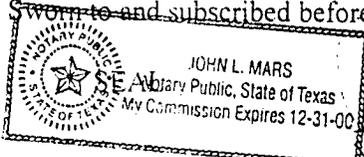
In connection with my application, I acknowledge that I have read and I understand Article 4518 Section 3; Article 4519; Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended, and Board Rules 213.27 and 213.29 at 22 Texas Administrative Code which are incorporated by reference 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 am represented by Jacquelyn Kay Hall, Attorney at Law, Amarillo, Texas. I waive notice and hearing and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 30 day of May, 1997.

Trena Fay Dickson  
TRENA FAY DICKSON

Sworn to and subscribed before me this 30 day of May, 1997.

 John L. Mars  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance. *with addendum to Certification*

*Jacquelyn Hall*  
Jacquelyn Kay Hall, Attorney  
for Applicant

Signed this 27th day of May, 1997.

Entered this 24th day of June, 1997.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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

- Attachments: [1] Article 4518 §3 and 4519, Texas Revised Civil Statutes, Annotated, as amended  
[2] Article 4525(a) and (b), Texas Revised Civil Statutes, Annotated, as amended  
[3] Rule 213.27 at 22 Texas Administrative Code  
[4] Rule 213.28 at 22 Texas Administrative Code

Article 4518.

... CERTIFICATION OF GRADUATES; EXAMINATION BY THE BOARD OF NURSE EXAMINERS AND REQUIREMENT OF REGISTRATION.

Sec. 3.

Every applicant for registration as a registered nurse shall present to the Board evidence of good professional character, successful completion of an accredited program of professional nursing education, and a sworn application and shall, upon payment of required fees, be entitled to take the examination prescribed by the Board. Upon passing the examination, the applicant shall be entitled to receive from said Board a certificate attested by the seal of said Board, entitling such person to practice as a registered nurse in the State of Texas. The Board shall determine the criteria not to exceed the criteria required by a majority of the states, that constitutes passing the examination.

Article 4519. EXAMINATION.

- (a) An applicant that wishes to take a licensing examination must submit to the Board an application demonstrating the applicant's qualifications under this chapter. If the Board determines that the applicant meets the qualifications, i.e. applicant may take the licensing examination.
- (b) The examination shall be given in various cities throughout the State and shall be of such character as to determine the fitness of the applicant to practice professional nursing. A written examination prepared, approved, or offered by the Board, including a standardized national examination, shall be validated by an independent testing professional. Not later than the 30th day after the date on which a licensing examination is administered under this article, the Board shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the Board shall notify each examinee of the results of the examination not later than the 14th day after the date the Board receives the results from the testing service. If the notice of the examination results graded or reviewed by a national testing service will be delayed for more than 90 days after the examination date, the Board shall notify each examinee of the reason for the delay before the 90th day. If requested in writing by a person who fails the licensing examination, the Board shall furnish the person with an analysis of the person's performance on the examination. If the result of the examination be satisfactory to the Board, a certificate shall be issued to the applicant, signed by the president of the Board, and executive director and attested by the seal of said Board, which certificate shall qualify the person receiving the same to practice professional nursing in this State.
- (c) The Board by rule shall establish the conditions under which an applicant who fails the licensing examination may retake the examination. After twice failing the examination, the Board may require an applicant to fulfill additional educational requirements and, after twice failing an examination, may deny an applicant who failed the examination the opportunity to retake the examination.

## Article 4525. DISCIPLINARY PROCEEDINGS

(4525. (a)-(c) amended/added by HB 756) (4525. (e) amended/added by HB 2180)

(a) The Board may refuse to admit persons to the licensing examination, to issue or renew a license, or to issue a temporary permit for any of the reasons for which the Board may take disciplinary action against a registered nurse under Subsection (b) of this article. If the Board proposes to refuse to admit a person to the examination, to issue or renew a license, or to issue a temporary permit, the Board shall notify the person of the basis for its decision. A person who is refused admittance to the examination or the renewal or issuance of a license or temporary Permit is entitled to a hearing before an administrative law judge of the State Office of Administrative Hearings.

(b) The Board may take disciplinary action against a registered nurse for any of the following reasons:

(1) The violation of any of the provisions of this law, any rule, regulation not inconsistent with this law, or order issued hereinunder.

(2) Fraud or deceit in procuring or attempting to procure a license to practice professional nursing.

(3) Conviction of a crime of the grade of felony, or a crime of lesser grade which involves moral turpitude, or any conduct resulting in the revocation or probation imposed pursuant to such conviction.

(4) The use of any nursing license, certificate, diploma or permit, or transcript of such license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited, or materially altered.

(5) The impersonation of, or the acting as a proxy for, another in any examination required by law to obtain a license to practice professional nursing.

(6) Aiding or abetting, directly or indirectly, or in any manner whatsoever, any unlicensed person in connection with the unauthorized practice of professional nursing.

(7) Revocation, suspension, or denial of or any other action relating to the license to practice nursing in another jurisdiction. Certified copy of the order of denial, suspension, revocation, or any other action shall be conclusive evidence thereof.

(8) Intemperate use of alcohol or drugs that the Board determines endangers or could endanger patients. Intemperate use includes but is not limited to practicing professional nursing or being on duty or call while under the influence of alcohol or drugs.

(9) Unprofessional conduct which, in the opinion of the Board, is likely to deceive, defraud, or injure patients or the public.

(10) Adjudication of mental incompetency.

(11) Lack of fitness to practice by reason of mental or physical health that could result in injury to patients or the public.

(12) Failing to care adequately for patients or to conform to the minimum standards of acceptable professional nursing practice that, in the opinion of the Board, exposes a patient or other person unnecessarily to risk of harm.

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(4) The use of any nursing license, certificate, diploma or permit, or transcript of such license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited, or materially altered.

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(11) Lack of fitness to practice by reason of mental or physical health that could result in injury to patients or the public.

(12) Failing to care adequately for patients or to conform to the minimum standards of acceptable professional nursing practice that, in the opinion of the Board, exposes a patient or other person unnecessarily to risk of harm.

213.27. Good Professional Character.

(a) Good professional character is the integrated pattern of personal, academic and occupational behaviors which, in the judgment of the Board, indicates that an individual is able to consistently conform his or her 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, behaviors indicating: honesty, accountability, trustworthiness, reliability and integrity.

(b) Factors to be used in evaluating good professional character in eligibility and disciplinary matters are:

(1) Good professional character is determined through the evaluation of behaviors demonstrated by an individual in his or her personal, academic and occupational history. An individual's age, education and experience necessarily affect the nature and extent of behavioral history; and, therefore shall be considered in each evaluation.

(2) A person who seeks to obtain or retain a license to practice professional nursing shall provide evidence of good professional character which, in the judgment of the Board, is sufficient to insure that the individual can consistently act in the best interest of patients/clients and the public in any practice setting. Such evidence shall establish that the person:

(A) is able to distinguish right from wrong;

(B) is able to think and act rationally;

(C) is able to keep promises and honor obligations;

(D) is accountable for his or her own behavior;

(E) is able to practice nursing in an autonomous role with patients/clients, their families and significant others and members of the public who are or who may become physically, emotionally or financially vulnerable;

(F) is able to recognize and honor the interpersonal boundaries appropriate to any therapeutic relationship or health care setting; and

(G) is able to promptly and fully self-disclose facts, circumstances, events, errors and omissions when such disclosure could enhance the health status of patients/clients or the public or could protect patients/clients or the public from unnecessary risk of harm.

§213.28. Licensure of Persons with Criminal Convictions.

(a) This section sets out the guidelines and criteria on the eligibility of persons with criminal convictions to obtain a license as a registered nurse. The Board may refuse to admit persons to its licensure examinations, may refuse to issue a license or certificate of registration, or may refuse to issue a temporary permit to any individual that has been convicted of a felony, a misdemeanor involving moral turpitude, or engaged in conduct resulting in the revocation of probation imposed pursuant to such conviction.

(b) The practice of nursing involves clients, their families and significant others and the public in diverse settings. The registered nurse practices in an autonomous role with individuals who are physically, emotionally and financially vulnerable. The nurse has access to personal information about all aspects of a person's life, resources and relationships. Therefore criminal behavior, whether violent or non-violent, directed against persons, property or public order and decency is considered by the Board as highly relevant to an individual's fitness to practice nursing.

(c) In considering whether a criminal conviction renders the individual ineligible for licensure as a registered nurse, the Board shall consider:

- (1) the knowing or intentional practice of professional nursing without a license issued under the NPA;
- (2) any felony or misdemeanor involving moral turpitude;
- (3) the nature and seriousness of the crime;
- (4) the relationship of the crime to the purposes for requiring a license to engage in professional nursing practice;
- (5) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (6) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of professional nursing practice.

(d) In addition to the factors that may be considered under subsection (c) of this section, the Board, in determining the present fitness of a person who has been convicted of a crime, shall consider:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person prior to and following the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the person's present fitness, including letters of recommendation from: prosecutorial, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff or chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(e) It shall be the responsibility of the applicant, to the extent possible, to secure and provide to the Board the recommendations of the prosecution, law enforcement, and correctional authorities as required under this Act; the applicant shall also furnish proof in such form as may be required by the licensing authority that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted.

(f) Behavior that would otherwise bar or impede licensure may be deemed a "Youthful Indiscretion" as determined by an analysis of the behavior using the factors set out in §213.27 of this title (relating to Good Professional Character), subsections (a)-(e) of this section and at least the following criteria:

- (1) age of 22 years or less at the time of the behavior;
- (2) absence of criminal plan or premeditation;
- (3) presence of peer pressure or other contributing influences;
- (4) absence of adult supervision or guidance;
- (5) evidence of immature thought process/judgment at the time of the activity;
- (6) evidence of remorse;
- (7) evidence of restitution to both victim and community;
- (8) evidence of personal accountability following the conduct;
- (9) absence of subsequent undesirable conduct;
- (10) evidence of having learned from past mistakes;
- (11) evidence of current support structures that will prevent future criminal activity;
- and
- (12) evidence of currently posing no threat to the public safety if allowed to practice nursing. [(f)Recommended by the Board September 19, 1996 - Published November 18, 1996, in the *Texas Register*.]