



B. On October 31, 2005, Respondent was charged with the Class B misdemeanor offense of Indecent Exposure. Respondent was granted deferred adjudication and sentenced to one (1) year of probation and assessed a fine in the amount of six hundred dollars (\$600.00).

7. On February 8, 2007, Respondent was seen by Antoinette R. McGarrahan, Ph.D. to undergo a forensic psychological evaluation to include a polygraph examination.

Dr. McGarrahan reports that "Mr. Chappell acknowledged a history of substance abuse. He reported that he has been smoking marijuana approximately once per month since he was 16 years old, with the last time being two weeks ago. He denied that he has ever gone to work under the influence of marijuana, although he admitted that, on occasion, he will smoke marijuana in the evening after work when he has to report to work the next morning. Mr. Chappell admitted to having some legal difficulties as a result of his marijuana use. He reported that he was arrested twice for possession of marijuana (under two ounces). He indicated that the first occasion was in 1984 and that he received six months of deferred adjudication, which he successfully completed. He related the second incident was in 1994 for which he successfully completed one year of deferred adjudication as well. He reported that he consumes alcohol only occasionally. He reported that he has never been referred for or undergone substance abuse treatment. Mr. Chappell generally responded to test items in an open and forthright manner, although there were some indications that Mr. Chappell denied and/or minimized problems associated with drug and alcohol use. Results of the Substance Abuse Subtle Screening Inventory-3 revealed a high probability for the presence of a substance dependence disorder in the context of a non-defensive response style."

Dr. McGarrahan states that Respondent does meet diagnostic criteria for a substance abuse disorder, namely cannabis abuse, and with the implementation of an outpatient substance abuse treatment program, as well as random urine drug screening tests, Respondent will likely be able to be in accordance with Board rules concerning generally accepted nursing standards and professional conduct, and will likely be able to refrain from unprofessional conducts as defined by Board rules. The results of the polygraph examination indicated that Respondent was being truthful during the examination, with no deception indicated.

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.

9. 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)(2),(9)&(10), Texas Occupations Code, and 22 Tex Admin. Code §217.12(6)(I).
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 571371, heretofore issued to MICKEY REYNOLDS CHAPPELL, including revocation of Respondent's license to practice professional 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all

respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 State of Texas 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

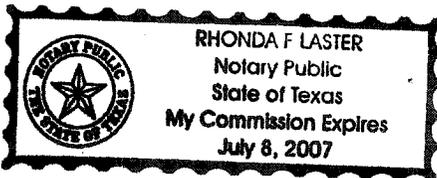
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Board of Nurse Examiners, 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 18 day of May, 2007.

Mickey Reynolds Chappell, RN  
MICKEY REYNOLDS CHAPPELL, Respondent

Sworn to and subscribed before me this 18 day of May, 2007.

SEAL



Rhonda F Laster  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 18th day of May, 2007, by MICKEY REYNOLDS CHAPPELL, Registered Nurse License Number 571371, and said Order is final.

Entered and effective this 12th day of June, 2007.

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