



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.
Patricia Vianes-Cabrera
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of §
ANGELA DEANNE ROBINSON § ORDER OF
PETITIONER for Eligibility for § CONDITIONAL ELIGIBILITY
Licensure §

On the date entered below, the Board of Nurse Examiners for the State of Texas hereinafter referred to as the Board, considered the Petition for Declaratory Order and supporting documents filed by ANGELA DEANNE ROBINSON, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452(b)(3), Texas Occupations Code.

A public meeting was held on November 12, 2002, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the petition of ANGELA DEANNE ROBINSON, PETITIONER, was considered.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Elizabeth C. Poster, PhD, RN; Deborah Bell, Consumer Member; and Larry Canfield, CRNA, MEd. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Patricia Vianes-Cabrera, Legal Assistant.

FINDINGS OF FACT

1. On or about July 23, 2002, Petitioner submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner is currently enrolled in an Associate Degree Nursing Program at Cisco Junior College, Abilene, Texas, with an anticipated graduation date of December 14, 2002.
4. Petitioner disclosed the following felony convictions, to wit:
 - A. On or about May 16, 1987, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On March 29, 1988, Petitioner in the County Court At Law #2 of Taylor County, Texas, was dismissed of the above entitled and above-numbered cause.
 - B. On or about July 12, 1987, July 22, 1987, and twice on July 24, 1987, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On January 22, 1988, Petitioner came before the 350th District Court of Taylor County, Texas, for Theft by Check, 3rd degree felony, and was sentenced to probation for a period of five (5) years.
 - C. On or about July 23, 1987, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On February 2, 1990, Petitioner in the County Court At Law #2 of Taylor County, Texas, entered into a plea of guilty for the class B misdemeanor offense of Theft By Check and was sentenced to forty-five (45) days confinement in the Taylor County Jail.
 - D. On or about April 28, 1988, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On May 17, 1988, Petitioner in the County Court At Law #2 of Taylor County, Texas, was found guilty of Theft and was sentenced to ten (10) days confinement in the Taylor County Jail.
 - E. On or about May 20, 1988, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about June 27, 1988, Petitioner in the County Court At Law #2 of Taylor County, Texas, was dismissed of the above entitled and above-numbered cause.

- F. On or about June 23, 1988, Petitioner came before the 350th District Court of Taylor County, Texas, for violation of the terms and conditions of her probation order imposed on January 22, 1988, and was sentenced to five (5) years confinement in the Texas Department of Corrections. Specifically, Petitioner gave a false report to a peace officer.
- G. On or about February 28, 1989, Petitioner was released on conditional pardon and placed on parole as imposed in the conviction on January 22, 1988.
- H. On or about April 28, 1989, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about July 13, 1989, Petitioner in the County Court At Law #2 of Taylor County, Texas, entered into a plea of guilty for the class B misdemeanor offense of Theft and was sentenced to probation for a period of six (6) months.
- I. On or about July 23, 1987, intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about August 25, 1989, in the County Court At Law #2 of Taylor County, Texas, Petitioner was dismissed of the offense of Theft.
- J. On or about November 8, 1989, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about January 9, 1990, Petitioner, in the County Court At law #2 of Taylor County, Texas, entered into a plea of guilty for the class B misdemeanor offense of Theft and was sentenced to sixty (60) days confinement in the Taylor County Jail.
- K. On or about December 22, 1989, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about January 9, 1990, Petitioner, in the County Court At law #2 of Taylor County, Texas, entered into a plea of guilty for the offense of Theft and was sentenced to ninety (90) days confinement in the Taylor County Jail.
- L. On or about January 4, 1990, Petitioner intentionally and knowingly appropriated property by acquiring and exercising control over property, without the effective consent of the said owner. On or about January 9, 1990, Petitioner, in the County Court At law #2 of Taylor County, Texas, entered into a plea of guilty for the offense of Theft and was sentenced to ninety (90) days confinement in the Taylor County Jail.

- M. On or about January 9, 1990, Petitioner in the County Court at Law #2 of Taylor County, Texas, was sentenced to thirty (30) days confinement in the Taylor County Jail for violation of the terms and conditions of her probation order imposed on April 28, 1989.
- N. On May 5, 1993, Petitioner completed and was discharged from Parole as imposed in the conviction on January 22, 1988.
5. There is no evidence of any subsequent conviction.
6. In a written statement to the Board dated January 27, 1994, submitted on behalf of Petitioner by Karen Dickie, HRC Substance Abuse Service, Assistant Director, Abilene, Texas. Mr. Dickie states that Petitioner was admitted to the outpatient substance abuse services on August 21, 1991, and continued in services until August 13, 1992, with all the requirements of the program being successfully completed.
7. Petitioner's sobriety date is November 23, 1993.
8. The Board received letters of support/recommendation for Petitioner from the following:
- A letter of reference dated January 21, 1994, was submitted on behalf of Petitioner by Jackolyn Morgan, RN, BSN, Director of Vocational Nursing, Cisco Junior College, Cisco, Texas.
 - A letter of reference dated January 27, 1994, was submitted on behalf of Petitioner by Agent Les D. Bruce, Abilene Police Department, Abilene, Texas.
 - A letter of reference dated January 28, 1994, was submitted on behalf of Petitioner by Lt. Kathy Lewis, Assistant Jail Administrator, County of Taylor, Abilene, Texas.
 - A letter of reference dated March 18, 1994, was submitted on behalf of Petitioner by Edward T. Marlatt, Jr., Vice President of Operations, ETM Enterprises, Inc., Abilene, Texas.
 - A letter of reference was submitted on behalf of Petitioner by Carl Griggs, Church's Chicken, Abilene, Texas.
 - A letter of reference was submitted on behalf of Petitioner by the Store Manager, Church's Chicken, Abilene, Texas.
 - A letter of reference dated August 1, 1994, was submitted on behalf of Petitioner by Linda Horsley, RN, Director of Nurses, Coronado Nursing Center, Abilene, Texas.

- A letter of reference was submitted on behalf of Petitioner by Cheryl Livengood, RN, MSN, Coordinator, Associate Degree Program, Cisco Junior College, Abilene, Texas.
 - A letter of reference was submitted on behalf of Petitioner by Janis Walsh, RN, MSN, Cisco Junior College, Abilene, Texas.
9. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
 10. The Board considered evidence of Petitioner's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code .
 11. The Committee's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
 12. The Board has determined that the Petitioner for licensure, poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
 13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
 14. On November 12, 2002, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
 15. 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.
 16. Petitioner'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. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.

2. Petitioner has submitted a petition in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
4. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Petitioner does not currently pose a direct threat to the health and safety of patients or the public.
5. The Board may, in its discretion, order a Petitioner, upon initial licensure as a registered 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

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, ANGELA DEANNE ROBINSON, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 PETITIONER's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the PETITIONER 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 PETITIONER wishes to work.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas.

IN ADDITION, IT IS THEREFORE FURTHER AGREED and ORDERED that PETITIONER, upon initial licensure, SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) PETITIONER SHALL, within forty-five (45) days of initial licensure, apply to and be accepted into the TPAPN.

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

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

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

IT IS FURTHER AGREED, SHOULD PETITIONER 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 PETITIONER's license to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, 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.

In connection with my petition, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, 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 set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

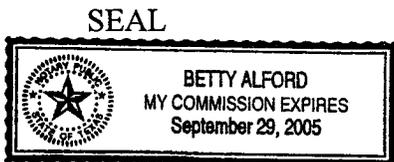
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Board of Nurse Examiners enter this Order.

Signed this 2 day of Dec, 2002.
Angela Deanne Robinson
ANGELA DEANNE ROBINSON, PETITIONER

Sworn to and subscribed before me this 2 day of December, 2002

Betty Alford
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 2nd day of December, 2002 by ANGELA DEANNE ROBINSON, PETITIONER, for Petition for Declaratory Order, and said Order is final.

Entered and effective this 16th day of December, 2002.



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

Attachments: Section 301.257, Texas Occupations Code
Section 301.452(a),(b) and (c), Texas Occupations Code
Section 301.453, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code