



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 R. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 681899 § AGREED
issued to DOUGLAS GARRETT DICKEY § ORDER

An Eligibility and Disciplinary Committee meeting was held on December 9, 2008, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Brenda S. Jackson, PhD, MSN, RN; Rachel Gomez, LVN, and Sheri Crosby, JD. Staff present were Katherine A. Thomas, MN, RN, Executive Director; John Legris, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Department; Cynthia Locastro, Legal Assistant; Earl E. Stearns, Supervising Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner is currently licensed to practice professional nursing in the State of Texas.
3. Petitioner received an Associate Degree in Nursing from Victoria College, Victoria, Texas, on May 11, 2001. Petitioner was licensed to practice professional nursing in the State of Texas on October 9, 2001.

4. Petitioner's professional employment history includes:

10/01 - 7/02	Staff Nurse	Detar Hospital Victoria, Texas
9/02 - 6/04	Staff Nurse	Central Texas Medical Center San Marcos, Texas

Petitioner's professional employment history continued:

8/04 - 2/05	Staff Nurse	Detar Hospital Victoria, Texas
2/05 - 4/05	Staff Nurse	Health Force Home Health Victoria, Texas
5/05 - present	Not employed in nursing	

4. On August 31, 2001, Petitioner was issued an Order of Conditional Eligibility by the Texas Board of Nursing. A copy of the August 31, 2001, Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
5. On April 19, 2005, the Texas Board of Nursing, accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the April 19, 2005, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference as part of this Order.
6. On February 13, 2007, Petitioner's license to practice professional nursing was Reinstated by the Texas Board of Nursing. A copy of the February 13, 2007, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about October 7, 2008, Petitioner submitted a request for an Exception to Reinstatement Agreed Order of License Number 681899 to practice professional nursing in the State of Texas.

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. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Katherine Thomas, MN, RN, Executive Director, that PETITIONER SHALL receive the sanction of STIPULATIONS, and PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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, 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 AGREED that:

(1) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Board of Nurse Examiners.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER SHALL BE UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. PETITIONER SHALL WORK A MINIMUM OF SIXTY-FOUR (64) HOURS A MONTH FOR THIRTY-SIX (36) CONSECUTIVE MONTHS. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A RN LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(2) PETITIONER SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(3) PETITIONER SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(4) For the first six (6) months of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to

provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(7) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for the first six (6) months of employment as a nurse.

(8) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(9) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the**

event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first year of the stipulation period, random screens shall be performed at least once every week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(11) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

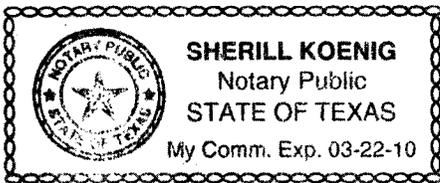
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 20 day of January, 2009.

Douglas Garrett Dickey
DOUGLAS GARRETT DICKEY, Petitioner

Sworn to and subscribed before me this 20th day of January 2009

SEAL

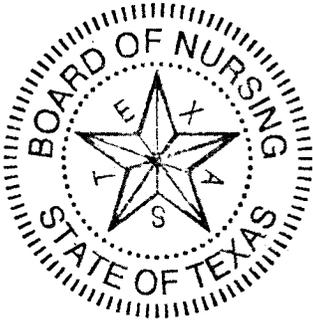


Sherill Koenig

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 20th day of January, 2009, by DOUGLAS GARRETT DICKEY, License Number 681899, and said Order is final.

Effective this 26th day of January, 2009.




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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	
License Number 681899	§	REINSTATEMENT
issued to DOUGLAS GARRETT DICKEY	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 681899, held by DOUGLAS GARRETT DICKEY, hereinafter referred to as Petitioner.

An informal conference was held on November 28, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Jolene Zych, MS, RNC, WHNP, Nurse Consultant, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Mary Lynn Adams, BSN, RN, Investigator; Elise Dunham, Investigator; Laura Ferrell, RN, Investigator; Marcia Wilson, RN, Investigator; Noemi Reyes, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from Victoria College, Victoria, Texas, on May 11, 2001. Petitioner was originally licensed to practice professional nursing in the State of Texas on October 9, 2001.

4. Petitioner's professional nursing employment history includes:

10/01 - 7/02	Staff Nurse	Detar Hospital Victoria, Texas
9/02 - 6/04	Staff Nurse	Central Texas Medical Center San Marcos, Texas
8/04 - 2/05	Staff Nurse	Detar Hospital Victoria, Texas
2/05 - 4/05	Staff Nurse	Health Force Home Health Victoria, Texas
5/05 - present	Not employed in nursing	

5. On April 19, 2005, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the April 19, 2005 Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about June 20, 2006, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

7.1. Letter, dated September 19, 2005, from Margaret E. Martin, MA, CAC, Chemical Dependency Counselor, Betty Ford Center, Rancho Mirage, California, states Petitioner entered the Betty Ford Center on June 15, 2005, and was discharged on September 17, 2005.

7.2. Letter, dated June 22, 2006, from Angie Watkins, Compliance Monitor, Southworth Associates, Boise, Idaho, states Petitioner has been a participant with the program since September 25, 2005. Since his enrollment, Petitioner has taken nineteen (19) drug screens, all of which have been passed. Petitioner initially started out at a testing frequency of twice a week, which is typical for a participant, and was decreased to a test rate of once a month. Petitioner has been attending Alcoholics Anonymous meetings since he started the program at a rate of four (4) meetings a week.

- 7.3. Certificate of completion, dated February 1, 2006, for successfully fulfilling all requirements of Journey Plus, a comprehensive program of recovery skills offered by Billy T. Cattan Recovery Outreach, Inc.
- 7.4. Letter of support, dated June 10, 2006, from Paul and Ruth Dickey, Victoria, Texas, states it is with great pride that they report the remarkable changes that have taken place in Petitioner's life over the past year. After watching him struggle over the years with his denial of any drug or alcohol addiction, in June 2005, they arranged an intervention. Petitioner went willingly to Betty Ford. At the end of Petitioner's first thirty (30) days of inpatient treatment, he chose to remain an additional sixty (60) days of residential day treatment, even though he could have been released with medical approval. At this point, Petitioner fully embraced the idea of complete recovery, which meant a rigorous program of self-discovery and accountability. In order to provide proof of his sobriety, Petitioner asked to be placed in a drug and alcohol monitoring program managed by Southworth Associates. For the first four (4) months that Petitioner was home, he attended Alcoholics Anonymous meetings every night. Petitioner has a sponsor who is systematically taking him through the twelve step program and contacts him on a daily basis. Petitioner continues to attend Alcoholics Anonymous meetings several times a week. As Petitioner began to deal with the reasons of his addictions, he had a renewed zest for living a healthy lifestyle. He has renewed broken relationships with his siblings and now enjoys meaningful interaction with his sisters and nieces and other extended family. As parents, they have enjoyed watching a renewed self-confidence and self-esteem help him to set goals for his future. Petitioner wants to return to his nursing career and eventually be able to advance his education in that field. Mr. and Ms. Dickey believe that Petitioner is physically, mentally, and emotionally ready to be allowed to return to his nursing career.
- 7.5. Letter of support, dated June 13, 2006, from Mark Trimble, Victoria, Texas, states Petitioner is currently doing very well and shows much positive improvement in his life. He currently attends 6-7 meetings a week. He also made ninety (90) meetings in ninety (90) days. At the time the letter was written, Petitioner was four (4) days shy of one (1) year continuous sobriety. He has shown an appreciation of what a sober life has to offer. Petitioner has a sponsor and contacts him every day. Mr. Trimble has the highest recommendations that Petitioner be granted an opportunity to resume his career.

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- 7.6. Letter of support, dated June 12, 2006, from Mr. and Mrs. Estes, Victoria, Texas, states that they had Petitioner speak to a group of 12th grade students with Parkway Church in Victoria, Texas. Petitioner spoke of his life experiences and dealing with his addictions. They were moved at what they heard from Petitioner and are very proud of him and where he is at this point in his life. Mr. and Mrs. Estes believe Petitioner be offered a second chance to accomplish his endeavors in life. Petitioner has overcome his difficulties and will strive on a daily basis to walk the right path in life with God's guidance.
- 7.7. Documentation of twenty-two (22) Type I Continuing Education contact hours.
8. Petitioner gives June 17, 2005, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of DOUGLAS GARRETT DICKEY, Registered Nurse License Number 681899, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in 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, 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.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to DOUGLAS GARRETT DICKEY, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course

Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(10) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(12) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(13) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board

approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(14) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 27 day of December, 2006.

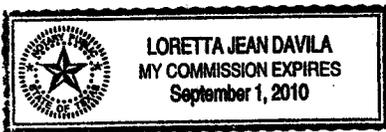
Douglas Garrett Dickey
DOUGLAS GARRETT DICKEY, Petitioner

Sworn to and subscribed before me this 27 day of December, 2006.

SEAL

Loretta Jean Davila

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 Reinstatement Agreed Order that was signed on the 17th day of December, 2006, by DOUGLAS GARRETT DICKEY, Registered Nurse License Number 681899, and said Order is final.

Effective this 13th day of February, 2007.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 681899 § AGREED
issued to DOUGLAS GARRETT DICKEY § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 681899, issued to DOUGLAS GARRETT DICKEY, 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 conference 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, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Victoria College, Victoria, Texas, on May 11, 2001. Respondent was licensed to practice professional nursing in the State of Texas on October 9, 2001.
5. Respondent's complete professional employment history is unknown.
6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Medical/Surgical Department at Central Texas Medical Center, San Marcos, Texas, and had been in this position for one (1) year and eight (8) months.

7. During July 2004, while employed with Central Texas Medical Center, San Marcos, Texas, Respondent withdrew narcotics from the Pyxis Medication Dispensing System, but failed to completely document the administration of the medications in the patient medical records, as follows:

DATE	TIME	PATIENT	PHYSICIAN ORDER	PHARMACY RECORD	MAR	NURSES' NOTES	WASTAGE
7/10/04	1430	881350	Demerol 25-50 mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	0731	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1155	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 25mg	No documentation	No documentation	None
7/11/04	1156	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 25mg	No documentation	No documentation	None
7/11/04	1351	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 25mg	No documentation	No documentation	None
7/11/04	1351	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1415	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1416	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1607	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 25mg	No documentation	No documentation	None
7/11/04	1607	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1730	881350	Demerol 25-50mg IM q 4 hrs for pain	Demerol 50mg	No documentation	No documentation	None
7/10/04	1812	889723	Morphine 4mg Q 3 hrs prn pain	Morphine 4mg	No documentation	No documentation	None
7/11/04	0730	881435	Demerol 25mg IV q 3-4 prn pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1716	970498	Demerol 12.5mg IM prn pain	Demerol 25mg	No documentation	No documentation	None
7/11/04	1721	970498	Demerol 12.5mg IM prn pain	Demerol 50mg	No documentation	No documentation	None
7/11/04	1900	970498	Demerol 12.5mg IM prn pain	Demerol 50mg	No documentation	No documentation	None

DATE	TIME	PATIENT	PHYSICIAN ORDER	PHARMACY RECORD	MAR	NURSES' NOTES	WASTAGE
7/16/04	1424	880627	Morphine 4mg IV q 4 hrs prn severe pain	Morphine 4mg	No documentation	No documentation	None
7/16/04	1554	880627	Demerol 25mg every 4 hr prn	Demerol 25mg	No documentation	No documentation	None
7/16/04	1608	880267	Demerol 25mg every 4 hr prn	Demerol 25mg	No documentation	No documentation	None
7/16/04	1629	880267	Demerol 25mg every 4 hr prn	Demerol 25mg	No documentation	No documentation	None
7/16/04	1808	880627	Demerol 25mg every 4 hr prn	Demerol 50mg	No documentation	No documentation	None
7/16/04	1930	880627	Demerol 25mg every 4 hr prn	Demerol 100mg	No documentation	No documentation	None
7/17/04	0933	880627	Demerol 25mg every 4 hr prn	Demerol 25mg	No documentation	No documentation	None
7/17/04	1022	880627	Demerol 25mg every 4 hr prn	Demerol 50mg	No documentation	No documentation	None
7/17/04	1436	880627	Demerol 25mg every 4 hr prn	Demerol 25mg	No documentation	No documentation	None
7/17/04	0729	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/17/04	0818	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/17/04	1223	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/17/04	1702	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/17/04	1740	882492	Demerol 25mg every 4 hr prn IV	Demerol 25mg	No documentation	No documentation	None
7/18/04	0943	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/18/04	1445	882492	Demerol 25mg every 4 hr prn IV	Demerol 50mg	No documentation	No documentation	None
7/18/04	1005	882654	Demerol 25mg IV q 3-4 hrs prn pain	Demerol 25mg	No documentation	No documentation	None

DATE	TIME	PATIENT	PHYSICIAN'S ORDER	PHARMACY RECORD	MAR	NURSES' NOTES	WASTAGE
7/25/04	0718	883492	Demerol 12.5-25mg IVP Q 2 h prn pain	Demerol 50mg	No documentation	No documentation	None
7/25/04	0837	883492	Demerol 12.5-25mg IVP Q 2 h prn pain	Demerol 100 mg	No documentation	No documentation	None
7/25/04	1638	883492	Demerol 12.5-25mg IVP Q 2 h prn pain	Demerol 75mg	No documentation	No documentation	None
7/25/04	1832	883492	Demerol 12.5-25mg IV { Q 2 h prn pain	Demerol 75mg	No documentation	No documentation	None
7/25/04	1754	884090	Demerol 25mg q 4-6 hrs IV prn	Demerol 75mg	No documentation	No documentation	None
7/28/04	1152	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/28/04	1406	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/28/04	1503	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/28/04	1755	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/29/04	0810	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/29/04	0905	884061	Demerol 25mg IV q 3-4 pm	Demerol 50mg	No documentation	No documentation	None
7/28/04	1342	884448	Demerol 12.5mg IV q 3 hrs prn pain	Demerol 25mg	No documentation	No documentation	None
7/28/04	1659	884448	Demerol 12.5 mg IV q 3 hrs prn pain	Demerol 25mg	No documentation	No documentation	None
7/28/04	1226	884669	Demerol 25mg IV q 4 hrs prn pain	Demerol 50mg	No documentation	No documentation	None
7/29/04	0954	884669	Demerol 25mg IV q 4 hrs prn pain	Demerol 75mg	No documentation	No documentation	None
7/29/04	1031	884669	Demerol 25mg IV q 4 hrs prn pain	Demerol 75mg	No documentation	No documentation	None
7/29/04	1152	884559	Demerol 25mg IV q 4 hrs prn pain	Demerol 50mg	No documentation	No documentation	None
7/29/04	1252	884669	Demerol 25mg IV q 4 hrs prn pain	Demerol 50mg	No documentation	No documentation	None

DATE	TIME	PATIENT	PHYSICIAN'S ORDER	PHARMACY RECORD	MAR	NURSES' NOTES	WASTAGE
7/29/04	1321	884669	Demerol 25mg IV q 4 hrs prn pain	Demerol 25mg	No documentation	No documentation	None
7/28/04	1504	884073	Demerol 25mg IV q 2-3 h prn	Demerol 50mg	No documentation	No documentation	None
7/28/04	1545	884073	Demerol 25mg IV q 2-3 h prn	Demerol 50mg	No documentation	No documentation	None
7/28/04	1616	884073	Demerol 25mg IV q 2-3 h prn	Demerol 50mg	No documentation	No documentation	None
7/28/04	1910	884073	Demerol 25mg IV q 2-3 h prn	Demerol 50mg	No documentation	No documentation	None

Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on his documentation to further medicate the patients which could result in over-medication.

8. On or about February 25, 2005, the Board received information that Respondent, on or about January 25, 2005, through January 27, 2005, while employed with Health Force Home Health, Victoria, Texas, submitted skilled nursing visit notes for seven (7) patients for whom he did not visit. Respondent's conduct was likely to injure the patients in that he provided false documentation which subsequent caregivers would rely on to make decisions regarding the patients' medical care.
9. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice professional nursing in the State of Texas.
10. 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.
11. 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(4) and (20); and 22 TEX. ADMIN. CODE §217.12(1)(B)(C) and (6)(A)(H), as amended September 28, 2004.
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 681899, heretofore issued to DOUGLAS GARRETT DICKEY, including revocation of Respondent's professional 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 License Number 681899, heretofore issued to DOUGLAS GARRETT DICKEY, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to DOUGLAS GARRETT DICKEY, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered 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.
3. 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.
4. 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 multistate privilege, if any, to practice professional 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 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.

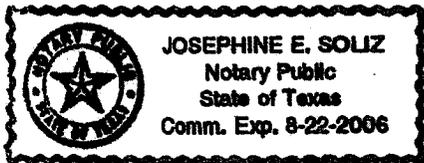
Signed this 15th day of April, 2005.

Douglas Garrett Dickey
DOUGLAS GARRETT DICKEY, Respondent

Sworn to and subscribed before me this 15th day of April, 2005.

SEAL

Josephine E. Soliz
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 the voluntary surrender of License Number 681899, previously issued to DOUGLAS GARRETT DICKEY.

Effective this 19th day of April, 2005.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	
DOUGLAS GARRETT DICKEY	§	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 DOUGLAS GARRETT DICKEY, 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.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 19, 2001, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about April 17, 2001, Petitioner submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. At the time of the petition, Petitioner was enrolled in a Nursing Program, at The Victoria College, Victoria, Texas, but has since graduated on May 11, 2001.

4. Petitioner disclosed the following criminal history, to wit:

- On August 2, 1998, Petitioner was charged with Public Intoxication and assessed a fine in the amount of one hundred ninety-five dollars and twenty-five cents (\$195.25) by the Victoria Municipal Court, Victoria, Texas.
- On April 3, 2000, Petitioner was charged with Public Intoxication. Petitioner pled guilty to Public Intoxication and was assessed a fine in the amount of one hundred fifty-two dollars (\$152.00).
- On November 13, 2000, Petitioner was charged with Driving While Intoxicated. On February 5, 2001, Petitioner pled guilty to Operating a Motor Vehicle while Intoxicated, a class B Misdemeanor. Petitioner was sentenced to one (1) year probation and assessed a fine in the amount of five hundred dollars (\$500.00).

5. The Board received letters of support/recommendation for Petitioner from the following:

- A letter of favorable consideration dated March 23, 2001, from Mary Virginia Jacobs, RN, MSN, Instructor, The Victoria College, Victoria, Texas.
- A letter of favorable consideration dated March 30, 2001, from Sheryl McArthur Craft, RN, MSN, CRRN-A, Instructor, The Victoria College, Victoria, Texas.
- A letter of reference dated April 2, 2001, from William J. Coons, Ph.D., Biology Program Coordinator, The Victoria College, Victoria, Texas.
- A letter of reference dated April 3, 2001, from Timothy A. Wheeler, Owner, Pet Connection, Victoria, Texas.

6. 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.

7. The Executive Director considered evidence of Petitioner's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code .

8. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.

9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.

10. The Board has determined that the Petitioner for licensure who has not been fit and sober for a period of at least five (5) continuous years [sixty (60) continuous months], poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
11. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, his 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.
12. On July 19, 2001, the Executive Director 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.
13. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Executive Director finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.
14. 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 his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
15. Petitioner's conduct described in Finding Number Four (4) resulted from Petitioner's dependency on chemicals.
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 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 his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. 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, DOUGLAS GARRETT DICKEY, 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.

IT IS FURTHER ORDERED that upon full compliance with the terms and the stipulations outlined in this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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.

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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.

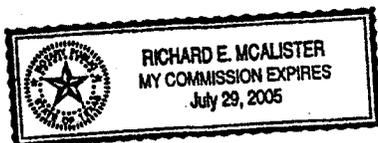
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 27 day of AUGUST, 2001.

Douglas Garrett Dickey
DOUGLAS GARRETT DICKEY, PETITIONER

Sworn to and subscribed before me this 27 day of AUGUST, 2001.

SEAL



Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of 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 27th day of August, 2001, by
DOUGLAS GARRETT DICKEY, PETITIONER, for Petition for Declaratory Order, and said Order
is final.

Entered and effective this 31st day of August, 2001.



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