BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	REINSTATEMENT
Registered Nurse License Number 703590	§	
& Vocational Nurse License Number 181618	§	
issued to ANAND DRAPER SETHI	§	AGREED ORDER

TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of ANAND DRAPER SETHI, Registered Nurse License Number 703590, and Vocational Nurse License Number 181618, hereinafter referred to as Petitioner.

An informal conference was held on August 21, 2012, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

PETITIONER appeared in person. PETITIONER was represented by Nancy Roper-Willson, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to the 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(s).

2. Petitioner waived notice and hearing, and agreed to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from North Central Texas College, Gainesville, Texas, on August 10, 2001. Petitioner was licensed to practice vocational nursing in the State of Texas on September 25, 2001. Petitioner received an Associate Degree in Nursing from Excelsior College, Albany, New York, on November 26, 2003. Petitioner was licensed to practice professional nursing in the State of Texas on February 26, 2004.

4. Petitioner's vocational and professional nursing employment history includes:

10/01 - 08/02	Unknown	
09/02 - 08/05	LVN/RN	Medical Center at Lancaster Lancaster, TX
11/05 - 12/07	RN	Fresenius Medical Care Dallas, TX
2008	Travel Nurse	Foundation Medical Staffing Oklahoma
01/08 - 03/08	Travel Nurse	Children's Medical Center Dallas, TX
4/08 - 5/09	Travel Nurse	Foundation Medical Staffing Oklahoma
6/09 - 7/09	Staff Nurse	Davita, Inc. Denver, Colorado
8/09 - present	Not employed in nursing	

5. On January 11, 2011, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's licenses to practice nursing in the State of Texas. A copy of the January 11, 2011, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about May 11, 2012, Petitioner submitted a Petition for Reinstatement of License(s) to practice nursing in the State of Texas.

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

   7.1. Letter from Jean Gehring, LCSW, CAC III, Rangeview Counseling Center, Boulder, Colorado, states Petitioner came to the center on March 14, 2012, seeking a Substance Abuse Evaluation (attached). In that evaluation, Ms. Gehring indicated that she found Petitioner safe to practice. Ms. Gehring continues to hold that determination to be true. Petitioner continues to live a clean and sober life. He attends AA meetings weekly, meets weekly with his sponsor and works with others whom he is sponsoring. He had recently been hired by The Cedars to do addiction counseling. Since the completion of the evaluation, Petitioner has been meeting with Ms. Gehring on a regular basis for therapy. The focus of the sessions have been in the areas that most seriously impact Petitioner's quality of life. In part these are: his severe self-judgment for past mistakes and his inability to access self-forgiveness.

Another focus has been stress management. This has been combined with other avenues through which Petitioner has developed skills for drug-free management of the chronic pain that accompanies Degenerative Disc Disease. Petitioner comes to therapy with an openness and willingness to acknowledge, explore and challenge the negativity with which he began therapy. Petitioner brings a wealth of knowledge, training and caring to his work in addictions counseling and would like to be able to apply himself once again to nursing in addition to the counseling. Ms. Gehring knows Petitioner as a person committed to this journey. In addition to finding that it is "safe" for Petitioner to resume the art of nursing, she believes that he brings a high quality of integrity and caring to his profession.

7.2. Letter of support, dated February 14, 2012, from Claudia Curtis Ramsay, Attorney at Law, Boulder, Colorado, states she was looking for a counselor to attend to a client of hers. Ms. Ramsay asked therapists at the Naropa program for a recommendation for a counselor who might be willing to visit the client at the jail. The name that kept coming up was Petitioner's. Ms. Ramsay called Petitioner and explained the situation to him. Ms. Ramsay was immediately impressed with his kindness and clear and insightful questions he asked. Petitioner explained that he was still completing his master's program so would come in the role of a supportive, sober friend. Ms. Ramsay's client told her that Petitioner helped him more in one hour than previous therapists and addiction classes had in six months. Ms. Ramsay knows from her own discussions with Petitioner that he himself overcame a drug addiction he developed while working in the nursing profession. Ms. Ramsay has represented many professionals in the medical field who have battled with drugs. She has found that when they recover they become some of the best practitioners and healers. They have the compassion and wisdom to more quickly recognize emotional, psychological and physical issues, they better understand drug interactions and complications, and they have a kindness and humanity that is often lacking in medical professionals who see themselves as superior to and removed from the failings of their patients. Ms. Ramsay would strongly urge the Board to permit Petitioner to receive a license to practice nursing. He is unusually skilled and committed and will be a great addition to any nursing practice.

7.3. Letter of support, dated February 27, 2012, from Tom Marzilli, Shift Supervisor, Arapahoe House, Thornton, Colorado, states he has known Petitioner since the summer of 2009. During that time, Mr. Marzilli has had the pleasure to relate with Petitioner in many different capacities. As a classmate, it is clear that he is highly dedicated to furthering his education as well as being in healthy relationships with his peers. Wherever possible, Petitioner is more than willing to reach out a hand to a classmate in need. Petitioner helped fond a sober support group for the MACP class, which still exists to this day. Mr. Marzilli has also had the privilege of working with Petitioner at Arapahoe House, a residential treatment facility for adults suffering from substance abuse. During the past year, Petitioner has displayed his dedication to helping alcoholics and addicts wonderfully. Petitioner goes above and beyond to provide for the clients, frequently working more hours than scheduled to

ensure his clients are cared for. Petitioner is an active member in the AA community in Colorado. He diligently works the program with his sponsor . There is no doubt that Petitioner takes his sobriety very seriously. His work, social life, education and community activities revolve around staying healthy and helping others to so as well.

7.4. Letter of support, dated March 29, 2012, from Matt Peterson, MS, Director of Student Leadership and Engagement, Naropa University, Boulder, Colorado, states he has known Petitioner since March 2011. Mr. Peterson states Petitioner is a deeply compassionate person who is committed to serving humanity and improving the quality of life for the individuals he works with. He exhibits this through his work as a clinical intern with clients in recovery, his scholarly work in his MA program, his one-to-one interactions with students in recovery on campus. Petitioner is open to sharing his story as a means of inspiring others to begin their recovery and maintain their sobriety. Petitioner has been sober the entire time that Mr. Peterson has known him. Petitioner attends meetings and support groups.

7.5. Letter of support, dated February 13, 2012, from Thomas Midgley, Boulder, Colorado, states he has known Petitioner since August 2009. Throughout this time, Mr. Midgley has witnessed Petitioner's involvement with the recovery community. Petitioner regularly attends 12-step meetings and has also sponsored others. Mr. Midgley believes Petitioner's recovery is strong and he would make an exceptional nurse.

7.6. Letter of support, dated March 27, 2012, from Brad Sykes, RN, Boulder, Colorado, states he met Petitioner about two and a half years ago in an AA meeting. Mr. Sykes spoke to Petitioner about his history of being a nurse and an alcoholic/addict with a bottom resulting in diversion on the job, ending his career. Since joining AA, Petitioner has gown as a sober man, becoming more comfortable in his own skin in AA, and works with a sponsor.

7.7. Letter of support, dated April 23, 2012, from Jon Glendinning states he has known Petitioner for a few years and has sponsored him in Alcoholics Anonymous. Petitioner was doing the program of AA and staying sober long before he decided he wanted to regain his nursing license. Therefore, Mr. Glendinning knows that he is honest and genuine in his recovery and not trying to fool anyone. Petitioner is a terrific example of a human being and Mr. Glendinning believes he deserves a second chance at what he loves to do.

7.8. Thirteen (13) monthly negative drug screens collected from June 13, 2011, through August 3, 2012.

7.9. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

8. Petitioner gives August 29, 2009, as his date of sobriety.

9. 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. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.

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, subject to ratification by the Texas Board of Nursing, that the petition of ANAND DRAPER SETHI, Registered Nurse License Number 703590, and Vocational Nurse License Number 181618, to practice 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 §211.1 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse

licensure compact 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 pay all re-registration fees and be issued the applicable licenses to practice nursing in the State of Texas, which shall be subject to the following agreed post-licensure probation conditions:

(2) PETITIONER SHALL, within ninety (90) days following relicensure, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500.00) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(4) PETITIONER SHALL comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER'S license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. 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 do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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(s) to practice nursing in the state of Texas. 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of March, 2014.

ANAND DRAPER SETHI, Petitioner

Sworn to and subscribed before me this 5th day of March, 2014.

SEAL

MELISSA FLORES OROZCO
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144002369
MY COMMISSION EXPIRES JANUARY 18, 2018

Notary Public in and for the State of Colorado

Approved as to form ~~and substance~~

NANCY ROPER-WILLSON, Attorney for Petitioner

Signed this 5th day of March, 2014

WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 5th day of March, 2014, by ANAND DRAPER SETHI, Registered Nurse License Number 703590, and Vocational Nurse License Number 181618, and said Order is final.

Entered and effective this 10th day of March, 2014.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 703590	§
and Vocational Nurse License Number 181618	§
issued to ANAND DRAPER SETHI	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 703590 and Vocational Nurse License Number 181618, issued to ANAND DRAPER SETHI, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.

2. Respondent waived informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from North Central Texas College, Gainesville, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on September 25, 2001. Respondent received an Associate Degree in Nursing from Excelsior College, Albany, New York, on November 26, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 26, 2004.

4. Respondent's nursing employment history includes:

10/01 - 08/02	Unknown

Respondent's nursing employment history (continued):

09/02 - 08/05	LVN/RN	Medical Center at Lancaster Lancaster, TX
11/05 - 12/07	RN	Fresenius Medical Care Dallas, TX
2008	RN	Foundation Medical Staffing
01/08 - 03/08	RN	Children's Medical Center Dallas, TX
04/08 - Present	Unknown	

5. On or about May 27, 2008, the Texas Board of Nursing notified Respondent of the following allegations:

   On or about March 12, 2008 while employed with Children's Medical Center, Dallas, Texas, Respondent:

   - Withdrew Dilaudid from the Medication Dispensing System (Omnicell) for Patient Medical Record Number 494521 in excess frequency and/or dosage of the physician's order;
   - Withdrew Dilaudid from the Medication Dispensing System (Omnicell) for Patient Medical Record Number 494521, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs), Nurses Notes, or both;
   - Withdrew Dilaudid from the Medication Dispensing System (Omnicell) for Patient Medical Record Number 494521, but failed to follow the policy and procedure for the wastage of the medication, and;
   - Misappropriated Dilaudid belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation.

6. On or about August 2, 2010, the Texas Board of Nursing notified Respondent of the following allegations:

   On or about February 3, 2010, Respondent's privilege to practice professional nursing in the State of Colorado was Surrendered/Relinquished, based on the following Findings:

   - On July 3, 2009, Respondent was practicing as a professional nurse on a privilege in Colorado with DaVita, Inc., providing dialysis services to a patient in the intensive care unit at The Medical Center of Aurora;

- On July 3, 2009, Respondent removed Fentanyl from another patient's patient-controlled analgesia pump for his own personal use for chronic back pain issues. Respondent was not assigned to the patient in question; and
- On September 11, 2009, Respondent pled guilty to DUI in Case No. 2009T002769 in County Court, Boulder County, Colorado. He was sentenced to eighteen months of probation, community service, and substance abuse evaluation and treatment.

7. On January 4, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 12, 2010, is attached and incorporated herein by reference as part of this Order.

8. 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.

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 violation of Section 301.452(b)(8),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(G)&(10)(C)&(11)(B).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 703590 and Vocational Nurse License Number 181618, heretofore issued to ANAND DRAPER SETHI, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title of Registered Nurse or Vocational Nurse or the abbreviation RN or LVN or wear any insignia identifying himself as a Registered Nurse or Licensed Vocational Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered Nurse or Vocational Nurse during the period in which the licenses are surrendered.

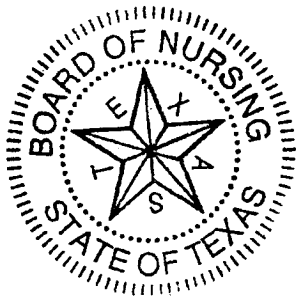
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 11 day of January, 2011.

TEXAS BOARD OF NURSING



By: _____

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

ANAND DRAPER SETHI
635 Madison CT
Duncanville, TX 75137
Texas RN License #703590 and Texas LVN License #181618

Voluntary Surrender Statement

October 12, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my licenses to practice in Texas. I consent to the entry of an Order which outlines requirements for reinstatement of my licenses. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature _____

Date 11/12/2010

Texas Nursing License Numbers 703590

The State of Texas

Before me, the undersigned authority, on this date personally appeared ANAND DRAPER SETHI who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 12th day of November, 2010.

SEAL

Notary Public in and for the State of Colorado

DESIREE A. BAESSLER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires Dec. 07, 2011