



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 562390 §
issued to JOHN STANFORD DRISCOLL § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 562390, held by JOHN STANFORD DRISCOLL, hereinafter referred to as Petitioner.

An informal conference was held on January 13, 2015, at the office of the Texas Board of Nursing, 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 Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; John Vanderford, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Stacey Cropley, DNP, RN, Nursing Consultant; 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(s).
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Nursing from Wharton County Junior College, Wharton, Texas, on May 17, 1990. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 31, 1990.
4. Petitioner's nursing employment history includes:

1988 - 1992	RN/ED Supervisor	Matagorda General Bay City, Texas
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Petitioner's nursing employment history continued:

1988 - 1992	Agency Nurse	McAllen Medical McAllen, Texas
1992	ER Nurse	John Seally Galveston, Texas
1992	Staff Nurse	Gulf Coast Medical Center Wharton, Texas
1992	Staff Nurse	El Campo Medical Center El Campo, Texas
1992	Staff Nurse	Lavaca Medical Center Hallettsville, Texas
1993 - 1994	Agency Nurse	Lyndon B. Johnson Houston, Texas
1993 - 1994	Agency Nurse	Bay View Hospital Baytown, Texas
1995 - 1997	Owner	Driscoll's Home Health El Campo, Texas
1997 - 2000	Staff Nurse	South West Memorial Houston, Texas
2000 - 2003	Staff Nurse/ED Director	Baptist Memorial Harlingen, Texas
2003 - 2005	Staff Nurse	Brownsville Memorial Brownsville, Texas
2007	Director of Nursing	Avalon Place Wharton, Texas
2008 - 2009	Director of Nursing	Care Inn of LaGrange LaGrange, Texas
2010 - present	Not employed in nursing	

5. On August 23, 2010, the Board accepted the voluntary surrender of Petitioner's license(s) to practice professional nursing in the State of Texas. A copy of the August 23, 2010, 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 September 22, 2014, 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 of support, dated September 3, 2014, from Carlos D. Zorrilla, M.D., Wharton, Texas, stating he has known Petitioner, personally and professionally, since 1995. They worked together in the Cardiac Catheterization Laboratory at the same facility. Though Petitioner left nursing for health reasons, they always stayed in touch. Dr. Zorrilla feels Petitioner is in good physical condition to return to nursing and believes Petitioner has demonstrated personal and professional integrity, and is willing to do more than what was expected from him while maintaining a good demeanor. Petitioner demonstrated a strong basic knowledge of nursing and at the same time was able and eager to learn new skills and put them into practice efficiently. Dr. Zorrilla continues that Petitioner's performance at the Cardiac Catheterization Laboratory was excellent and he exhibited deep empathy for his patients. He not only related well with his patients, but he always got along well with his coworkers in the lab.
 - 7.2. Letter of support, dated August 12, 2014, from Paul Mercier FNP-BC, Houston, Texas, stating he has known Petitioner since 1998 when working as an RN at Memorial Hermann Southwest Emergency Department. He and Petitioner were professional colleagues and worked side by side in an extremely busy ER three to four days per week for approximately four (4) years. During that time, they became close friends and he found Petitioner to be a dedicated, hardworking professional and highly skilled nurse. Petitioner was liked and respected in the department and they were a better department because of him.
 - 7.3. Documentation of the required continuing education contact hours.

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. 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 JOHN STANFORD DRISCOLL, Registered Nurse License Number, to practice nursing in the state of Texas, be and the same is hereby GRANTED, and that PETITIONER SHALL receive the sanction of a LIMITED LICENSE with Stipulations.

IT IS FURTHER AGREED that 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license(s) is/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 Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

IT IS FURTHER AGREED that:

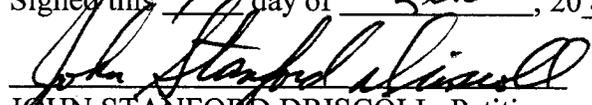
(1) While under the terms of this Order, PETITIONER SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD PETITIONER desire to return to a clinical practice setting, which would require her to provide direct patient care, PETITIONER SHALL petition the Board for such approval.

PETITIONER'S CERTIFICATION

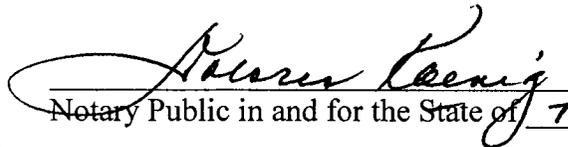
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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.

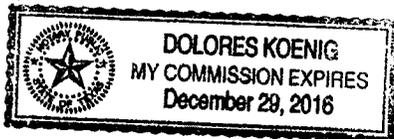
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms 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(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 9 day of Feb, 2015.

JOHN STANFORD DRISCOLL, Petitioner

Sworn to and subscribed before me this 9 day of Feb, 2015.

SEAL


Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of February, 2015, by JOHN STANFORD DRISCOLL, Registered Nurse License Number 562390, and said Order is final.

Effective this 10th day of March, 2015.



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



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 Williams
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 562390
issued to JOHN STANFORD DRISCOLL

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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 562390, issued to JOHN STANFORD DRISCOLL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, 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 nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Wharton County Junior College, Wharton, Texas on May 17, 1990. Respondent was licensed to practice professional nursing in the State of Texas in August 31, 1990.
4. Respondent's nursing employment history includes:

1990 - 2000	Unknown	
2000 - 2002	Education Director	Valley Baptist Medical Center Harlingen, TX

Respondent's nursing employment history continued includes:

2002 - 2005	Charge Registered Nurse	Gulf Coast Medical Center Wharton, TX
2005 - 2007	Charge Registered Nurse	Valley Baptist Medical Center Brownsville, TX
7/2007 - Unknown	Emergency Care Nurse	El Campo Memorial Hospital El Campo, TX

5. On July 29, 2010, Respondent was sent a proposed Agreed Order issuing a Reprimand with Stipulations, which contained the following Findings of Fact:
- A. On or about October 2007 through March 18, 2008, while employed and on duty as a Staff Nurse in the Emergency Department, El Campo Memorial Hospital, El Campo, Texas, Respondent exhibited behavior, which caused emotional harm to patients, in that he:
1. was rude to a patient and refused to provide care if the patient did not provide him with a Medicare card in October 2007. Said patient left and went to another hospital, which was farther away, where he was diagnosed with a blood clot;
 2. made inappropriate comments to a patient regarding the patient's Mexican heritage on or about November 1, 2007;
 3. made inappropriate comments about a patient, who overheard him, which caused said patient to cry on or about March 18, 2008; and
 4. became angry and verbally abusive, and left the facility without notifying his supervisor or ensuring there was adequate licensed nurse coverage, which disrupted patient care on or about March 18, 2008.
- B. On or about March 17, 2008, while employed at El Campo Memorial Hospital, El Campo, Texas, Respondent failed to assess or intervene appropriately when Patient FA presented to the Emergency Department with a laceration to the dorsal aspect of his left hand. Respondent assessed the laceration and sent Patient FA to a side door where he applied an adhesive dressing and then sent Patient FA away instead of admitting to the Emergency Department or allowing the Emergency Department physician to treat Patient FA. Consequently, the next day, Patient FA went to his personal physician with complaints of pain, swelling and redness around the laceration site. Patient FA's personal physician determined that the patient's hand was infected, which required treatment with antibiotics. Additionally, Patient FA required a tetanus immunization, since it had been ten (10) years since his last immunization. Respondent's conduct exceeded his scope of practice and deprived the patient of timely detection and medical intervention, which may have prevented Patient FA from experiencing infection at the laceration site.

6. On August 17, 2010, Respondent contacted the Board and stated he physically was unable to practice professional nursing at this time. Respondent submitted a statement expressing his desire to voluntarily surrender his license to practice professional nursing. A copy of the August 17, 2010, statement is attached and incorporated, by reference as part of this order.

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) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(C),(M) & (P) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (B), (4), (6)(C).
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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 562390, heretofore issued to JOHN STANFORD DRISCOLL, to practice professional 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 nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying as a 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.
2. 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 23rd day of August, 2010.

TEXAS BOARD OF NURSING

By:


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



To: Cynthia A. Smith

8/17/2010

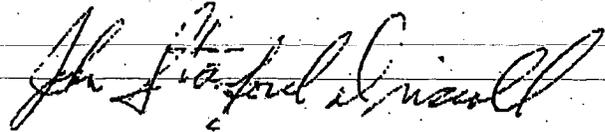
From: John Stanford Driscoll

Dear Ms. Smith;

I would request a Voluntary Surrender of my license 562390 at this time.

Thank you for all your assistance with these matters.

Sincerely,



John Stanford Driscoll