



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 48968 §
issued to RUTH J. DRAPER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RUTH J. DRAPER, Vocational Nurse License Number 48968, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(9)(effective through 9/1/1981), TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(9)(effective through 9/1/1985), and Section 301.452(b)(2),(3)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 3, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

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 Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in vocational Nursing from Hays Memorial Hospital, San Marcos, Texas, on September 21, 1970. Respondent was licensed to practice vocational nursing in the State of Texas on July 22, 1971.
5. Respondent's nursing employment history is unknown.

6. On or about September 1, 1983, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on February 19, 1983, in the County Court at Law No. 2 of Travis county, Texas, under Cause No.221341. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of forty-five (45) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs.
7. On or about June 4, 1986, Respondent was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on May 12, 1986, in the County Court at Law No.1 of Williamson County, Texas, under Cause No.13587. As a result of the conviction, Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs.
8. On or about September 5, 2009, Respondent was arrested by the Leander Police Department, Leander, Texas, with DRIVING WHILE INTOXICATED 3RD OR MORE(a 3rd degree felony offense). On or about July 6, 2010, Respondent was entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2nd (a Class B misdemeanor offense committed on September 5, 2009, in the County Court at Law No.3 of Williamson County, Texas, under Cause No.09-06279-3. As a result of the conviction, Respondent was sentenced to confinement in the Williamson county Jail for a period of one hundred (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months and ordered to pay a fine and court costs.
9. On or about April 20, 2010, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about September 5, 2009, Respondent was arrested by the Leander Police Department, Leander, Texas, with DRIVING WHILE INTOXICATED 3RD OR MORE, a 3rd Degree Felony offense.

10. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states: she sincerely apologizes to the Board . She has never been in trouble with the Board since she had her license 40 years. She was not clear on the first and second DUI's. She was under the impression it had to be something major and bad to be reported to the Board. She has served all her time and it was on her time off. The third DWI she was not convicted until July and her renewal was in May. If she deceived anyone she did not mean to. This is her sole income and lively hood. What ever she has to do to not lose or get her license suspended, she will do. Please consider the length of time she had them. She has done everything asked of her and she has learned a tremendous lesson and Nursing is her only income. She did not realize how seriously DUI's were being taken until lately. When she signed admitting guilt that was so she could get out on bond. She has valued her license too much. She does not do drugs or anything illegal drinking and getting caught.
11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Formal Charges were filed on February 10, 2012.
14. Formal Charges were mailed to Respondent on February 13, 2012.
15. Respondent's conduct described in Findings of Fact Numbers Six (6) through Nine (9) was significantly influenced by Respondent's impairment by dependency on chemicals.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of TEX. REV. CIV. STAT. ART. 4528c,

Sec. 10(a)(9)(effective through 9/1/1981), TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(9)(effective through 9/1/1985), and Section 301.452(b)(2),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §231.81(6)(effective 1/1/1982 and 1/1/1985) and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 48968, heretofore issued to RUTH J. DRAPER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

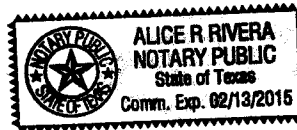
Signed this 23 day of May, 2012.

Ruth J. Draper
RUTH J. DRAPER, Respondent

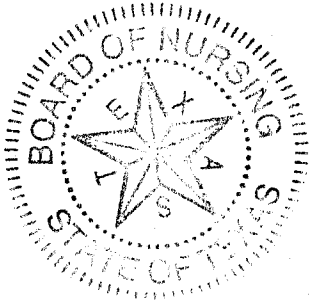
Sworn to and subscribed before me this 23 day of May, 2012.

SEAL

Alice R. Rivera
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 23rd day of May, 20 12, by RUTH J. DRAPER, Vocational Nurse License Number 48968, and said Order is final.



Entered and effective this 29th day of May, 20 12.

Katherine A. Thomas

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