



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 P. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 753353 §
issued to BRYAN ASHLEY STILLWELL § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Registered Nurse License Number 753353, issued to BRYAN ASHLEY STILLWELL, 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, 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(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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on December 13, 2007. Respondent was licensed to practice professional nursing in the State of Texas on April 7, 2008.
5. Respondent's professional nursing employment history is unknown.

6. On or about December 1, 2010, Respondent pled Guilty to POSS CS PG 3<28G, a Class A misdemeanor offense committed on October 7, 2009, in the County Court at Law of Smith County, Texas, under Cause No. 001-80034-10. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.
7. In response to Finding of Fact Number Six (6), Respondent states that he made some poor decisions. He was charged with possession of a controlled substance.
8. On or about November 12, 2009, Respondent was arrested by the Rusk County Sheriff's Office, Henderson, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. At the time of his arrest, Respondent had a strong odor of alcohol on his breath, and was exhibiting slurred speech, unsteady balance, and blood-shot eyes. Respondent admitted to drinking two (2) tall-boy beers and taking Xanax. Respondent also failed the roadside sobriety tests and refused the breath test. On or about January 7, 2011, Respondent entered into a Pretrial Diversion Agreement for a period of twelve (12) months, in the County Court at Law of Rusk County, Texas, under Cause No. 10-03-131CR.
9. In response to Finding of Fact Number Eight (8), Respondent states that due to a failed marriage, it caused him to suffer a major depression. He was arrested for a DUI.
10. On August 8, 2011, Kit W. Harrison, PH.D. & Associates, Texas, submitted a letter to the Board of Nursing, stating that based on the present evaluation, Mr. Stillwell demonstrated some concerns in that he continues to consume alcohol, albeit occasionally by report, and he has not established full sustained sobriety. Dr. Harrison noted that Respondent's family law, criminal, and domestic matters have been significant stressors for him, and he was found, as an apparent matter of law, to have committed family violence, with a likelihood that it would re-occur, based on the issuance of a Protective Order. Dr. Harrison also noted that although Respondent has attended some AA meetings, a more firm grasp on the 12-Steps, coupled with a stronger commitment to sobriety would go a long way to improve his nursing candidacy, in the examiners opinion. Dr. Harrison advised that Respondent stop drinking alcohol, and counseling would be helpful with regard to Respondent's difficulties with access to his children and coping with family stress. Until Respondent can demonstrate a commitment to sobriety, 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.
11. In response to Finding of Fact Number Ten (10), Respondent states that he started seeing a psychiatrist. His psychiatrist prescribed him some medicine for his depression. Alcohol consumed in combination with his medication, contributed to him failing his sobriety. He knows now, he should have used better judgment in regards to alcohol and its interaction with his medicine.

12. Formal charges were filed on May 10, 2012.
13. Formals Charges were mailed to Respondent on May 10, 2012.
14. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
15. 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.
16. 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 violation of Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (5),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 753353, heretofore issued to BRYAN ASHLEY STILLWELL, including revocation of Respondent's license(s) 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 Registered Nurse License Number 753353, heretofore issued to BRYAN ASHLEY STILLWELL, to practice nursing in the State of Texas, is accepted by 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 "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.
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.

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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.

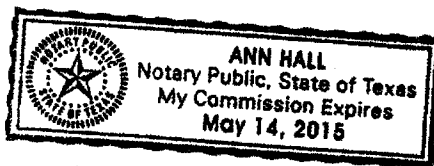
Signed this 11 day of June, 2012.

Bryan Ashley Stillwell
BRYAN ASHLEY STILLWELL, Respondent

Sworn to and subscribed before me this 11 day of June, 2012

SEAL

Ann Hall
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 the voluntary surrender of Registered Nurse License Number 753353, previously issued to BRYAN ASHLEY STILLWELL.



Effective this 20th day of June, 2012.

Katherine A. Thomas

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