



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.  
*Anita M. Parmer*  
Executive Director of the Board

DOCKET NUMBER 507-11-5717

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 428204  
ISSUED TO  
ANITA M. (PARMER) HOUTS

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§

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: ANITA M. (PARMER) HOUTS  
c/o JOE A. FLORES, ATTORNEY  
1330 POST OAK BLVD., SUITE 1600  
HOUSTON, TX 77056

500 N. WATER ST., SUITE 515  
CORPUS CHRISTI, TX 78401

PENNY A. WILKOV  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered nursing license of Anita M. (Parmer) Houts with changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully

set out and separately stated herein, except for Conclusion of Law Number 6, which is not adopted by the Board and is hereby re-designated as a recommendation. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

#### Conclusion of Law Number 6

The Board declines to adopt Conclusion of Law Number 6 because it is a recommended sanction and not a proper conclusion of law. The Government Code §2001.058(e) authorizes the Board to change a finding of fact or conclusion of law made by the ALJ, or to vacate or modify an order issued by the ALJ if the Board determines that the ALJ did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions. *The ALJ did not properly apply or interpret applicable law in this matter when she included her recommended sanction as a conclusion of law.*

A recommendation for a sanction is not a proper conclusion of law. While it may be appropriate for the ALJ to recommend a sanction, it is ultimately up to the Board to determine what the appropriate sanction should be. Further, the mere labeling of a recommended sanction as a conclusion of law or as a finding of fact does not change the effect of the ALJ's recommendation. Thus, the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact and conclusions of law. The Board, not the ALJ, is the final decision maker concerning sanctions. Once it has been determined that a violation of the law has occurred, the sanction is a matter for the agency's discretion. The choice of penalty is vested in the agency, not in the courts. Further, an agency has broad discretion in determining which sanction best serves the statutory policies committed to the agency's oversight. The propriety of a particular disciplinary measure is a matter of internal administration with which the courts should not interfere. *See Texas State Board of Dental*

*Examiners vs. Brown*, 281 S.W. 3d 692 (Tex. App. - Corpus Christi 2009, pet. filed); *Sears vs. Tex. State Bd. of Dental Exam'rs*, 759 S.W.2d 748, 751 (Tex.App. - Austin 1988, no pet); *Firemen's & Policemen's Civil Serv. Comm'n vs. Brinkmeyer*, 662 S.W.2d 953, 956 (Tex. 1984); *Granek vs. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 781 (Tex.App. - Austin 2005, pet. denied); *Fay-Ray Corp. vs. Tex. Alcoholic Beverage Comm'n*, 959 S.W.2d 362, 369 (Tex.App. - Austin 1998, no pet.).

Based upon adopted Findings of Fact Numbers 2 through 7 and 13 through 18 and Conclusions of Law Numbers 4 and 5, the Board's Disciplinary Matrix, and the Board's rules, including 22 Tex. Admin. Code §213.29 and §213.33, the Board agrees that the Respondent's license should be revoked. Thus, pursuant to applicable law, the Board re-designates Conclusion of Law Number 6 as a recommendation and adopts the ALJ's recommended sanction in this matter.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 428204, previously issued to ANITA M. (PARMER) HOUTS, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 20<sup>th</sup> day of January, 2012.

TEXAS BOARD OF NURSING



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-5717 (October 6, 2011).

SOAH DOCKET NO. 507-11-5717

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
PERMANENT CERTIFICATE	§	
	§	OF
NUMBER 428204 ISSUED TO	§	
	§	
ANITA M. HOUTS	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Staff of the Texas Board of Nursing (Staff/Board) seeks to revoke the Permanent Registered Nurse (RN) License Number 428204, issued to Anita M. Houts (Respondent) based on allegations that, due to a mental health condition, Respondent has engaged in conduct that demonstrates a lack of fitness to practice as a nurse and could result in injury to a patient or the public. Specifically, Staff alleged that on or about March 24, 2010, Respondent lacked fitness to practice nursing in that she expressed paranoid ideations, which included claims that she had a stalker who worked for the Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA), and that the FBI and DEA were recording and listening to her conversations and communicating with her through the television. Respondent has been diagnosed with Delusional Disorder, Persecutory Type. Staff argued that such actions by Respondent constitute a violation of TEX. OCC. CODE ANN. § 301.452(b)(12) and 22 TEX. ADMIN. CODE § 217.12(4).

The Administrative Law Judge (ALJ) agrees with Staff's recommendation that Respondent's license should be revoked. Board Staff withdrew the request that Respondent pay administrative costs, and the ALJ does not recommend that the Respondent be ordered to pay costs for this case.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

There were no contested issues of notice or jurisdiction in this case. Therefore those matters are set out in the proposed findings of fact and conclusions of law without further discussion here.

The hearing convened on September 15, 2011, before ALJ Penny A. Wilkov at the hearings facilities of the State Office of Administrative Hearings (SOAH), 300 West 15<sup>th</sup> Street, Austin, Texas. The Board was represented by Assistant General Counsel Lance R. Brenton. Respondent represented herself at the hearing. By Order No. 6, the record remained open until September 30, 2011, to allow the parties to submit additional evidence.<sup>1</sup>

## II. PROBABLE CAUSE HEARING AND ORDER

On May 18, 2011, the Board issued an Order of Temporary Suspension, suspending Respondent's registered nurse's license after determining, from information presented, that Respondent had engaged in conduct that, in her continued practice as a nurse, would constitute a continuing and imminent threat to the public welfare. In accordance with TEX. OCC. CODE ANN. § 301.455(d), a probable cause hearing was conducted to determine whether probable cause existed to continue the temporary license suspension pending a final hearing.

The probable cause hearing was held on June 7, 2011, before ALJ Penny A. Wilkov, with the Board appearing through Mr. Brenton and Respondent representing herself at the hearing. On June 22, 2011, the ALJ issued a Probable Cause Order finding that there was probable cause to believe that Respondent posed a continuing and imminent threat to the public welfare and that her license should remain suspended pending a final hearing. The Probable Cause Order, attached to this Proposal and incorporated herein, includes the summarized testimony of Patricia Cryer, RN, and Respondent. As requested by Staff, that testimony was considered as part of this decision but not repeated in this proposal.

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<sup>1</sup> On September 19, 2011, Staff filed a letter withdrawing the request to submit an affidavit of costs, indicating that Staff would not seek reimbursement for expert witness costs or fees.

### III. DISCUSSION

#### A. Background

On March 24, 2010, Respondent enrolled in a Nursing Refresher Course at Tyler Junior College, Tyler, Texas. During the class, Respondent had a conversation with Patricia Cryer, R.N., the clinical instructor for the course. Respondent maintained that she had a stalker whom she stated was involved with the FBI and DEA and that the FBI and DEA communicated with her through closed-captioning on her television. Respondent also claimed that the FBI and DEA knew everything about her family; listened in and recorded all of her conversations; had listening devices in her home; knew her computer passwords; and interfered with her success in the nurse refresher by causing pages to go blank and disallowing access to course material. Based on this conversation, Ms. Cryer notified the Board in writing of her concerns about Respondent's ability to practice nursing.

#### B. Applicable Law

Staff alleged that Respondent is subject to disciplinary action under the provisions of TEX. OCC. CODE ANN. § 301.452(b)(12) and 22 TEX. ADMIN. CODE (TAC) § 217.12(4).

The applicable portion of TEX. OCC. CODE ANN. § 301.452(b)(12) provides that a person is subject to disciplinary action for:

- (12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public.

Further, pursuant to 22 TAC § 217.12(4), careless or repetitive conduct by a registered nurse that may endanger a client's life, health, or safety, constitutes unprofessional conduct. Actual injury to a client need not be established.

## C. Mental Health Examinations and Testimony

### 1. Judy C. Googins, M.D.

Dr. Googins, an adult and adolescent psychiatrist, testified and provided her written evaluation of Respondent.<sup>2</sup> According to Dr. Googins, Respondent has Delusional Disorder, Persecutory Type. This diagnosis was partially based on an MRI completed by Jennifer Morris, M.D., which showed that Respondent had "mild, moderate, and severe small vessel white matter micro-angiopathy, mild atrophy, and prominent sulci."<sup>3</sup> This indicated to Dr. Googins that Respondent had experienced age-related decreased mental function, based on the small capillaries being deprived of oxygen, consistent with dementia disorder.

Dr. Googins' interview with Respondent was illustrative of Respondent's mental condition. Respondent related that she believed that songs on the radio were messages to her, refused to talk in the house because she thought there were recorders, worried that people were in her house, and noticed that people were following her. Dr. Googins observed that Respondent cannot separate delusional conduct from reality. The last time Dr. Googins met with Respondent in the office, Respondent became agitated and angry, paced and would not sit down, and spoke rapidly and angrily.

Respondent, additionally, has refused medication, but even if compliant, would continue to decline because brain atrophy and dementia are progressive diseases. Based on the manifestations of Respondent's mental condition, Dr. Googins expressed grave concerns about patient safety if Respondent were allowed to retain her nursing license.

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<sup>2</sup> Staff Exh. 6.

<sup>3</sup> Staff Exh. 7, p. 3.

## 2. Emily Fallis, Ph.D.

Dr. Fallis, a licensed psychologist, performed a psychological evaluation on July 28, 2011, after a referral from the Board. Dr. Fallis's report was admitted in evidence.<sup>4</sup> As part of Dr. Fallis's evaluation, she conducted an interview with Respondent, reviewed various medical records, and administered a psychological test, the Personality Assessment Inventory test.<sup>5</sup> Respondent also provided a detailed account of her delusional beliefs including that she was being followed by two or three FBI agents, who are monitoring her through computers and are responsible for break-ins to her house.

Dr. Fallis concluded that Respondent demonstrated significant psychiatric and neurocognitive disorders, specifically Delusional Disorder, Persecutory Type, and Cognitive Disorder, Not Otherwise Specified.<sup>6</sup> She suggested that even with psychiatric treatment, Respondent would be at high risk to violate the minimum standards set out in the nursing statutes and rules. She agreed with Dr. Googins' assessment that Respondent's medical condition would likely deteriorate and she recommended family counseling for Ms. Hout's family regarding how to handle the situation.

## 3. Respondent

Respondent testified that the stalker incidents began in 2007, when a repairman from Lowe's came in to install mini-blinds. She noticed that he had left black fingerprints around her house and she believes that he still returns and takes things from her house. She sees the stalker, known as "Daniel," parked around town watching her. She has described him in various ways: tall, big-haired, black or Hispanic; or at other times, tall, thin, and of Jewish descent. She also believes that the stalker prowls on her roof, puts notes on her plants, and follows her movements through GPS installed on both of her cars.

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<sup>4</sup> Staff Exh. 7.

<sup>5</sup> Staff Exh. 7, p. 1.

<sup>6</sup> Staff Exh. 7, p. 6.



**D. Sanctions**

The Board's nursing practice consultant, Bonnie Cone, has been an RN for more than 30 years. She interprets the Act and the Board's rules for nurses and the public. After reviewing the exhibits and hearing the evidence submitted by Staff and Respondent, she offered testimony on the issue of violations of the Nurse Practice Act and appropriate sanctions.

Ms. Cone explained that Respondent's mental health condition could seriously impact patient safety and fitness to practice nursing in several regards:

- Nurses are required to accurately recognize and assess patient symptoms which involves critical thinking;
- Clinical and hospital settings involve computers, monitors, alarms and other medical equipment that could be impacted by Respondent's delusions of surveillance devices;
- The stalker's changing appearance could influence Respondent's ability to respond to a patient's condition; and
- The inability to separate delusion from reality would impact the nurse's ability to communicate with patients or other medical personnel.

Based on the significant risk of harm to patient care, Ms. Cone recommended revocation of Respondent's license.

**E. Analysis and Conclusion**

The ALJ concludes that Respondent has a mental condition that renders her unfit to practice nursing in a manner that would not result in harm or injury to a patient or the public. Accordingly, the ALJ recommends that Respondent's registered nursing license be revoked under the provisions of TEX. OCC. CODE ANN. § 301.452(b)(12) and 22 TEX. ADMIN. CODE § 217.12(4).

Respondent, who is 72 years of age, has had a long distinguished career as a nurse. She has an unblemished record and has clearly been an asset to the nursing profession. She presents as a well-groomed, friendly, and caring person. However, it is clear from the mental health examinations and testimony, that although Respondent wishes to continue practicing nursing, she no longer has the

mental acuity necessary to practice in a safe manner. Respondent has developed a physical and mental condition that has impacted her ability to make rational and coherent decisions. Her current condition could endanger a patient's life, health, or safety. Accordingly, the ALJ recommends that Permanent Certificate Number 428204, issued to Anita M. Houts be revoked.

#### IV. FINDINGS OF FACT

1. Anita M. Parmer Houts (Respondent) is a Registered Nurse licensed by the State of Texas, holding license number 428204.
2. On March 24, 2010, Respondent enrolled in a Nursing Refresher Course at Tyler Junior College, Tyler, Texas, and during the class, Respondent had a conversation with Patricia Cryer, R.N., the clinical instructor for the course.
3. Respondent informed Ms. Cryer that Respondent had a stalker who was involved with the Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA), and that the FBI and DEA communicated with Respondent through closed-captioning on her television. Respondent also claimed that the FBI and DEA knew everything about her family; listened in on and recorded all of her conversations; had listening devices in her home; knew her computer passwords; and interfered with her success in the nurse refresher by causing pages to go blank and disallowing access to course material.
4. Ms. Cryer notified the Board in writing of her concerns about Respondent's ability to practice nursing.
5. On May 18, 2011, Staff of the Texas State Board of Nursing (Staff/Board) issued an Order of Temporary Suspension, suspending Respondent's registered nurse's license after determining, from information presented, that Respondent had engaged in conduct that, in her continued practice as a nurse, would constitute a continuing and imminent threat to the public welfare.
6. On June 7, 2011, a probable cause hearing was conducted to determine whether probable cause existed to continue the temporary license suspension pending a final hearing, before Administrative Law Judge (ALJ) Penny A. Wilkov. The Board appeared through Assistant General Counsel Lance R. Brenton and Respondent represented herself at the hearing.
7. On June 22, 2011, the ALJ issued a Probable Cause Order finding that there was probable cause to believe that Respondent posed a continuing and imminent threat to the public welfare and that her license should remain suspended pending a final hearing.

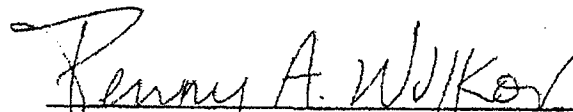
8. The Probable Cause Order, attached to this Proposal and incorporated herein, included the summarized testimony of Patricia Cryer, R.N., and Respondent.
9. On June 29, 2011, Staff mailed a copy of its Notice of Hearing to Respondent by certified mail, return receipt requested, to 1137 Kings Lane, Mineola, Texas.
10. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
11. The notice of hearing contained the following language in capital letters in 12-point boldface type: "Failure to appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of staff shall be granted by default."
12. The hearing convened on September 15, 2011, before ALJ Penny A. Wilkov at the hearings facilities of the State Office of Administrative Hearings (SOAH), 300 West 15<sup>th</sup> Street, Austin, Texas. The Board was represented by Mr. Brenton. Respondent represented herself at the hearing. By Order No. 6, the record remained open until September 30, 2011, to allow the parties to submit additional evidence.
13. Judy C. Googins, M.D., an adult and adolescent psychiatrist, diagnosed Respondent as having Delusional Disorder, Persecutory Type.
14. An MRI showed that Respondent had mild, moderate, and severe small vessel white matter micro-angiopathy, mild atrophy, and prominent sulci, which indicate age-related decreased mental function, consistent with dementia disorder.
15. Respondent cannot separate delusional conduct from reality.
16. Respondent has refused medication, but even if compliant, Respondent would continue to decline because brain atrophy and dementia are progressive diseases.
17. On July 28, 2011, Respondent met with Emily Fallis, Ph.D., a licensed psychologist, who evaluated and tested Respondent and concluded that Respondent has Delusional Disorder, Persecutory Type, and Cognitive Disorder, Not Otherwise Specified.
18. Respondent's mental health condition could seriously impact patient safety and her fitness to practice nursing in several regards:
  - a. The ability to accurately recognize and assess patient symptoms which involves critical thinking would be compromised;

- b. The use of medical equipment could be impacted by Respondent's delusions of surveillance devices;
- c. The stalker's changing appearance could influence Respondent's ability to respond to a patient's condition; and
- d. The inability to separate delusion from reality would impact the nurse's ability to communicate with patients or other medical personnel.

#### V. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the Nursing Practice Act (the Act), TEX. OCC. CODE ch. 301.
2. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ch. 2003 and TEX. OCC. CODE § 301.454.
3. Proper and timely notice was provided to Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ch. 2001 and 22 TEX. ADMIN. CODE §§ 13.10 and 213.22.
4. Based upon the foregoing Findings of Fact, Staff's allegations against Respondent were proven by a preponderance of the evidence, including violations of TEX. OCC. CODE § 301.452(b)(12) and 22 TEX. ADMIN. CODE § 217.12(4).
5. The Board is authorized to revoke a person's license for violations of the Act, pursuant to TEX. OCC. CODE §§ 301.452 and 301.453.
6. Based upon the foregoing Findings of Fact and Conclusions of Law, Respondent's license to practice as a registered nurse should be revoked.

SIGNED October 6, 2011.



PENNY A. WILKOV  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 507-11-5717

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 428204 ISSUED TO  
ANITA M. PARMER HOUTS

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§  
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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

ORDER NO. 2  
PROBABLE CAUSE ORDER  
AND ORDER SETTING DATE FOR FINAL HEARING

On May 18, 2011, the Texas Board of Nursing (Board) issued an Order of Temporary Suspension, suspending Permanent Registered Nurse License Number 428204, issued to Anita M. Parmer Houts (Respondent). The action was based on allegations that Respondent had engaged in conduct that, in her continued practice as a nurse, would constitute a continuing and imminent threat to the public welfare. This order finds that probable cause exists that a continuing and imminent threat to the public welfare exists and that, pursuant to TEX. OCC. CODE ANN. § 301.455, Respondent's license shall remain suspended indefinitely, pending a final hearing in this matter.

Specifically, Board Staff presented information and evidence concerning Respondent's conduct and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

- On or about March 24, 2010, while licensed as a Registered Nurse and enrolled in a Nursing Refresher Course at Tyler Junior College, Tyler, Texas, Respondent lacked fitness to practice nursing. Specifically, Respondent expressed paranoid ideations, claiming that she had a stalker whom she stated was involved with the Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA).
- Respondent further claimed that the FBI and DEA communicated with her through close captioning on her television. Respondent also claimed that the FBI and DEA knew everything about her family; listened in on and recorded all of her conversations; had listening devices in her home; knew her computer passwords; and interfered with her success in the nurse refresher by causing pages to go blank and disallowing access to course material.
- Respondent was diagnosed with Delusional Disorder, Persecutory Type that could affect her ability to make rational, accurate, and appropriate judgments

and decisions regarding patient care, thereby placing patients in potential danger.

In accordance with TEX. OCC. CODE ANN. § 301.455(d), a probable cause hearing was conducted within fourteen days following the date of entry of the order to determine whether probable cause exists to continue the temporary license suspension pending a final hearing. The preliminary hearing was held on June 7, 2011, before Administrative Law Judge (ALJ) Penny A. Wilkov at the hearings facilities of the State Office of Administrative Hearings (SOAH), 300 West 15<sup>th</sup> Street, Austin, Texas. The Board was represented by Assistant General Counsel Lance R. Brenton. Respondent represented herself at the hearing. Competent evidence establishing jurisdiction and proper notice were presented by Staff.

## DISCUSSION

### A. Background and Issue

Staff alleged that on or about March 24, 2010, Respondent lacked fitness to practice nursing in that she expressed paranoid ideations, which included claims that she had a stalker who worked for the FBI and DEA, and that the FBI and DEA were recording and listening to her conversations. Staff argued that such action by Respondent constituted a violation of TEX. OCC. CODE ANN. § 301.452(b)(12) and 22 TEX. ADMIN. CODE § 217.12(4).

The issue to be decided is whether probable cause exists to believe that Respondent would pose a continuing and imminent threat to the public welfare if allowed to continue practicing under the license issued to her by the Board, based on proof of her actions relating to the charge of lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public.<sup>1</sup> Staff had the burden of proof.

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<sup>1</sup> TEX. OCC. CODE ANN. § 301.452(b)(12).

**B. Evidence Presented at the Probable Cause Hearing**

Staff submitted seven exhibits at the hearing in support of the Board's Order of Temporary Suspension:

A computer licensure record, under affidavit, maintained by the Texas Board of Nursing for Anita M. Houts;

The formal charges dated May 18, 2011;

A copy of the formal charges filed against Respondent on July 2, 2004;

The Board's Order of Temporary Suspension dated May 18, 2011;

The medical records from Judy Googins, MD, regarding Anita M. Houts;

An affidavit/statement made by Patricia Cryer, Clinical Instructor for Nursing Refresher Course at Tyler Junior College, regarding Anita M. Houts; and

An affidavit/statement made by Mona Henderson, Assistant Dean of Continuing Studies, Tyler Junior College, regarding Anita M. Houts.

Staff presented the testimony of one witness, Patricia Cryer, RN, the clinical instructor for Respondent's nurse refresher course. Ms. Cryer has been involved in the nursing profession since 1958 performing several jobs including working in hospitals and nursing homes. For the past ten years Ms. Cryer worked as both an instructor and as an advanced practice nurse.

Ms. Cryer relayed that on March 24, 2011, she had a conversation with Respondent at the beginning of the nursing refresher course at Tyler Junior College, Tyler, Texas. During the conversation, Respondent told her that the FBI or DEA stalker was watching her, interfering with messages on her computer, cooking drugs in the house, and putting suspicious clothes in the dryer. She also testified that Respondent told her that the stalker continually changed his appearance and that he had accomplices that tapped her phone, planted listening devices in her home, and sent messages to her on her computer.

Ms. Cryer testified that Respondent poses a continuing and imminent threat to the public welfare because of Respondent's paranoid ideations. She based her opinion on the premise that as a nurse,

Respondent would not employ good cognitive skills necessary to oversee patient care, including medication administration and paperwork. Ms. Cryer also testified that she was specifically concerned that the Respondent could potentially believe that one of her future patients was actually her alleged stalker. She based this opinion on the premise that the Respondent believed that her alleged stalker changed his physical appearance in order to make it difficult for the Respondent to identify him. Therefore, the Respondent could potentially identify any future patient as her alleged stalker, thereby putting the patient at risk of harm or neglect.

Respondent testified that although she has moved nine times to avoid the stalker, she still hears noises on the roof or in the house. She described the stalker as a medium-build black or Hispanic man, but later changed the description to a fair-skinned Jewish man. She relayed a story where she sat by a man at the airport and realized that he was the stalker who had bleached and straightened his hair. She also testified that she is being followed by a black SUV and a dark Chrysler with tinted windows.

### C. Conclusion

The ALJ finds there is probable cause to believe that Respondent violated TEX. OCC. CODE ANN. § 301.452(b)(12) and 22 TEX. ADMIN. CODE § 217.12(4). The documentary evidence and the testimony of Patricia Cryer, RN, as well as Respondent's testimony, established that Respondent lacked fitness to practice because of a mental or physical health condition.

Further, the ALJ finds there is probable cause to believe that Respondent is a continuing and imminent threat to the public welfare. This order does not include findings of fact and conclusions of law, or a recommendation for a final sanction, if any. A proposal for decision will be issued after the final hearing on the merits.

Based on the foregoing and pursuant to TEX. OCC. CODE ANN. § 301.455, **IT IS ORDERED** that the registered nurse's license of Anita M. Parmer Houts shall remain **SUSPENDED INDEFINITELY**.

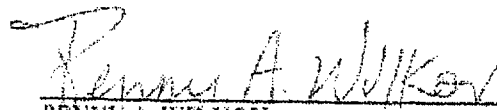


**ORDER SETTING DATE FOR FINAL HEARING**

Notice is hereby given that a final hearing on the merits will be held in this case as follows:

July 15, 2011, 9:00 a.m.  
State Office of Administrative Hearings  
300 W. 15th Street, 4th Floor  
Austin, Texas.

SIGNED June 22, 2011.

  
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PENNY A. WILKOV  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS