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Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
JENNIFER JO DOUGLAS, §
PETITIONER for Eligibility for Licensure § ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(e) and §213.30, and supporting documents filed by JENNIFER JO DOUGLAS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(3),(10)&(12) and 301.453, Texas Occupations Code.

A public meeting of the Eligibility and Disciplinary Committee of the Board, hereinafter referred to as the Committee, was held on March 8, 2011 at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the Petition for Declaratory Order of PETITIONER was considered.

PETITIONER appeared in person. PETITIONER was represented by Dorothy Dafey Oruaga, Attorney at Law.

Board Members in attendance were: Deborah Bell, CLU, ChFC; Tamara Cowen, MSN, RN; and Beverly Jean Nutall, LVN. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; Earl E. Stearns, CFE, Supervising Investigator; and Allison Hassinger, Legal Secretary.

FINDINGS OF FACT

1. On or about January 29, 2009, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from West Virginia University, Morgantown, West Virginia, on May 1, 2006.
4. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
 - 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?**(You may only exclude Class C misdemeanor traffic violations.)"*
5. Petitioner disclosed the following criminal history, to wit:

On or about May 4, 2008, Petitioner was arrested by the Boston University Police Department, Boston, Massachusetts, for BOMB THREAT, a felony offense.

On or about June 12, 2008, Petitioner entered a plea of Guilty to BOMB/HIJACK THREAT - HOAX DEVICE/SUBSTANCE, POSSESS/TRANSPORT/USE (a felony offense committed on May 4, 2008), in the Trial Court of Massachusetts, Boston Municipal Court Department, under Cause No. 0808CR000696. As a result of the plea, Petitioner was placed on probation for a period of two (2) years. On or about February 27, 2009, Petitioner completed probation.
6. There is no evidence of any subsequent criminal conduct.

7. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorders, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*
8. A letter dated February 12, 2009, was submitted to the Board by Astrid Desrosiers, MD, MPH, Harvard Medical School, stating that Applicant has been in treatment at the Bipolar Clinic and Research Program of the Massachusetts General Hospital. Applicant carries a diagnosis of Bipolar Disorder. When she was discharged from the clinic on January 23, 2009, she was stable.
9. On or about April 23, 2010, Petitioner was seen by Joyce M. Gayles, PhD, to undergo a mental health evaluation and polygraph examination. At the time of the initial interview in late April 2010, Petitioner seemed to be emotionally stable. However, Petitioner has had two psychiatric episodes which have resulted in hospitalization, the most recent being early June 2010. She continues to be diagnosed as Bipolar with severe manic episodes and psychotic features. Petitioner also reports a history of childhood trauma which has been treated and is likely contributing to psychological problems.

Based on the data obtained from the evaluation, Dr. Gayles believes that Petitioner is not capable at this time of conducting herself in accordance with Rules 213.27 - 213.29 and 217.11 and it is questionable whether she could consistently avoid unprofessional conduct according to Rules 217.12 due to her episodes of emotional and behavioral instability. Petitioner's interest would best be served by ensuring that she receives long term, high quality treatment for her psychological problems. She should receive regular medication evaluation and monitoring. Petitioner would benefit from individual psychotherapy with a therapist experienced in working with Bipolar clients and experienced in working with trauma resolution. Petitioner should be assisted in therapy to move toward her goals of self-sufficiency and independence. Group therapy would also be used depending on therapeutic goals and at the recommendation of her primary therapist.

10. On or about December 10, 2010, Petitioner was seen by Joyce M. Gayles, PhD, to undergo a follow-up evaluation. Petitioner has a history of psychotic episodes which have resulted in hospitalization, the most recent being early June 2010. At the time of the follow-up evaluation, Petitioner presented as functional and stable. However, results suggest that Petitioner is vulnerable to stress and reactions due to underlying personality dynamics. Petitioner has participated in weekly psychotherapy sessions with a focus on stress management since September 2010 and has been compliant with taking her medications. Petitioner continues to be diagnosed as bi-polar with severe manic episodes, but is in her "healthy 6 session," according to her therapist's report. Petitioner's therapist believes that she is able to practice nursing as long as she continues to receive the support of medication and psychotherapy.

Based on the data obtained from the evaluation, Dr. Gayles believes that Petitioner is more likely to be capable at this time of conducting herself in accordance with Rules 213.27 - 213.29 and 217.11 and could consistently avoid unprofessional conduct according to Rule 217.12 under certain circumstances. Petitioner would specifically require a work environment that is predictable and low stress. Petitioner would need supportive and close monitoring in the work environment. Petitioner's interest in preventive care and health education might provide such an environment. Petitioner will continue to need long term, high quality treatment for her psychological problems.

11. Petitioner provided letters of support/recommendation to the Board from the following:
 - A letter of recommendation was submitted to the Board on behalf of Petitioner by Rob McKee, Senior Pastor, The Pentecostals, Katy, Texas.
 - A letter of recommendation was submitted to the Board on behalf of Petitioner by Danny Stone, Manager Life Way Christian Store, Katy, Texas.
 - A letter of recommendation was submitted to the Board on behalf of Petitioner by Angela Burgess, RN, Medford, Massachusetts.
12. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
14. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
15. The Committee considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
16. The Committee considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
17. The Committee considered evidence of Petitioner's mental illness and subsequent treatment as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
18. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

19. The Committee's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
20. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
21. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about January 29, 2009, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(3),(10)&(12), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history of mental illness after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. 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.
9. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of any required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

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.

NOW, THEREFORE, IT IS FURTHER AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for a minimum of two (2) years and

until such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) PETITIONER SHALL, within forty-five (45) days of licensure, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

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

(3) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(4) 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 disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of PETITIONER'S license(s) and nurse compact licensure privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 my potential ineligibility for licensure through peer assistance.

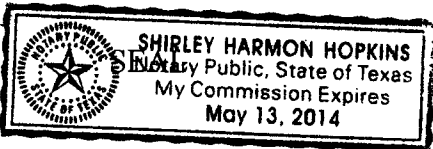
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 14 day of June, 2011.

Jennifer Jo Douglas
JENNIFER JO DOUGLAS, PETITIONER

Sworn to and subscribed before me this 14 day of June, 2011.



Shirley Harmon Hopkins
Notary Public in and for the State of Texas

Approved as to form and substance.

Dorothy Dafey Oruaga
Dorothy Dafey Oruaga, Attorney for Petitioner

Signed this 15 day of June, 2011.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 14th day of June, 2011, by JENNIFER JO DOUGLAS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 11th day of July, 2011.



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