



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of §
DARRYL WADYS SEGICH § ORDER OF
APPLICANT for Eligibility for § CONDITIONAL ELIGIBILITY
Licensure §

On the date entered below, the Board of Nurse Examiners considered the Petition for Declaratory Order and the Application for Initial Licensure by Examination and supporting documents filed by DARRYL WADYS SEGICH, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452 *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing and agreed to the entry of this Order offered on June 29, 2000, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about March 1, 2000, Applicant submitted a Petition for Declaratory Order. On or about May 22, 2000, Applicant submitted an Application for Initial Licensure by Examination in compliance with 301.257 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 9, 2000.
4. Applicant disclosed the following criminal history, to wit:
 - A. On February 18, 1996, Applicant was arrested by the Denison Police Department, Denison, Texas, for Driving While Intoxicated. On February 18, 1996, Applicant was released on his own recognizance. Applicant was twenty-one (21) years of age at the time of the offense.

- B. On July 23, 1996, Applicant was arrested by the Texas Department of Public Safety for Driving While Intoxicated-Second Offense. On July 24, 1996, Applicant was released on his own recognizance. Applicant was twenty-one (21) years of age at the time of the offense.
- C. On October 11, 1996, in the Grayson County Court at Law, Texas, Applicant entered a plea of guilty and was convicted of the DWI offense which occurred on February 18, 1996. The DWI-Second Offense, which occurred on July 23, 1996, was reduced to a lesser charge and Applicant was convicted of Public Intoxication on October 11, 1996. Applicant was sentenced to one hundred eighty (180) days of confinement with three (3) days confinement as credit in the Grayson County Jail, assessed fines at Seven Hundred Fifty Dollars (\$750) and Five Hundred Dollars (\$500) respectively and court costs. Applicant received suspension of his driver's license in addition to being ordered to serve forty (40) hours of community services and successfully complete the DWI Education Program and the Life Skills Seminar. The sentence was suspended and Applicant was placed on supervised probation for a term of two (2) years.
- D. A letter, dated May 8, 2000, from the Grayson County Community Supervision and Corrections Department relates that Applicant has completed all requirements of his probation and has been discharged.
5. There is no evidence of any subsequent conviction.
6. The Board received letters of support/recommendation for Applicant from the following:
- A letter from Mary Ann Remshardt, MS, RN, Nursing Instructor, Grayson County College, Denison, Texas.
 - A letter, dated February 16, 2000, from Cathie S. Murphy, RN, MS, Instructor, Grayson County College, Denison, Texas.
 - A letter of recommendation, dated February 21, 2000, from Virginia A. Smith, PhD, RN, Faculty, Grayson County College, ADN Program, Denison, Texas.
7. The Executive Director considered the evidence of the conviction and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code, §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.
8. The Executive Director considered evidence of Applicant's post conviction behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

9. Applicant presented sufficient evidence that he would not pose a direct threat to the health and safety of patients and the public.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
11. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Applicant has submitted a petition and an application in compliance with 301.257 *et seq.*, Texas Occupations Code.
3. Applicant's criminal history reflects a misdemeanor conviction which is grounds for denial of a license under 301.452 *et seq.*, Texas Occupations Code.
4. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

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ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, DARRYL WADYS SEGICH, APPLICANT, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). APPLICANT SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER ORDERED that APPLICANT, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and APPLICANT SHALL be subject to the following stipulation(s).

(1) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER ORDERED that upon full compliance with the terms of this Order, **APPLICANT** shall be issued an unencumbered license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order and Application for Initial Licensure by Examination, 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 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 Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. 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 Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

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 to practice professional 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 representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 13 day of September, 00.

Darryl Wadys Segich
DARRYL WADYS SEGICH, APPLICANT

Sworn to and subscribed before me this 13 day of September, 2000

SEAL

Reta G. Morison
Notary Public in and for the State of Texas

