



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 A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §       AGREED  
License Number 583865                       §  
issued to ELIZA NIRA OVALLE               §       ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board

accepted the voluntary surrender of Registered Nurse License Number 583865, issued to ELIZA NIRA OVALLE, 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 Galveston College, Galveston, Texas on May 13, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's professional nursing employment history is unknown.
6. On or about December 30, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions

of Law, and Agreed Order dated December 30, 2009, is attached and incorporated, by reference, as part of this Order.

7. On or about December 13, 2011, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on December 30, 2009. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she submitted a specimen for a drug screen which resulted positive for alcohol, and she admitted to consuming alcohol. Respondent also failed to return to work as a nurse during her participation in TPAPN. Stipulation Number Three (3) of the Agreed Order dated December 30, 2009, states:

---

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

On or about December 22, 2011, Respondent was dismissed from TPAPN and referred to the Board.

8. Respondent admits to the conduct outlined in Finding of Fact Number Seven (7). She states that on December 11, 2011, she went to a Christmas Party and consumed three (3) alcoholic beverages. She states that she has no excuse only that she was a little down due to not being able to find a job in the last year and thinking of her deceased son with the holidays approaching. Respondent apologizes for her poor judgement, and she states that she called her sponsor the next day. Respondent states that she started her AA program over, and she takes one day at a time.
9. Formal Charges were filed on January 4, 2012.
10. Formal Charges were mailed to Respondent on January 5, 2012.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
12. 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.
13. 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 a violation of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
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 583865, heretofore issued to ELIZA NIRA OVALLE, 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 583865, heretofore issued to ELIZA NIRA OVALLE, 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 herself 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.

---

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 violation 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 21 day of FEBRUARY, 2012.

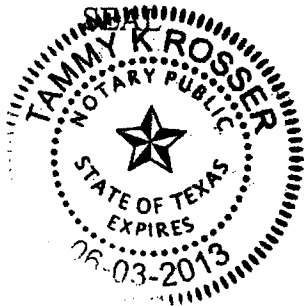
Eliza N. Ovalle

ELIZA NIRA OVALLE, Respondent

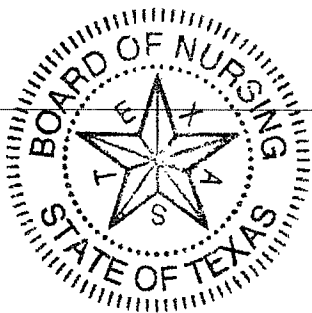
Sworn to and subscribed before me this 21 day of FEBRUARY, 2012.

Tammy K. Ross

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 583865, previously issued to ELIZA NIRA OVALLE.



Effective this 23rd day of February, 2012.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse           §     AGREED  
License Number 583865                       §  
issued to ELIZA NIRA OVALLE               §     ORDER

~~On this day the Texas Board of Nursing, hereinafter referred to as the Board,~~  
considered the matter of ELIZA NIRA OVALLE, Registered Nurse License Number 583865,  
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have  
violated Section 301.452(b)(10)&(12), Texas Occupations Code. Respondent waived representation  
by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered  
on November 24, 2009, by Katherine A. Thomas, MN, RN, 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.
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 Galveston College, Galveston, Texas, on May 13, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's professional nursing employment history is unknown.
6. On or about January 9, 2008, Respondent entered a plea of Guilty and was convicted of DWI (a Class B misdemeanor offense committed on November 5, 2007), in the County Criminal Court at Law No. 6 of Harris County, Texas, under Cause No. 1489871. As a result of the

conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about September 25, 2008, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

---

James Waters, a Licensed Chemical Dependency Counselor, All About Recovery, Houston, Texas, submitted a Report of Health Status of Registered or Licensed Vocational Nurse, showing Respondent was diagnosed on September 4, 2008, with Alcohol Dependency. He indicates Respondent is currently compliant with treatment/aftercare recommendations. In his opinion, Respondent does not pose a current or potential threat to the health and safety of patients, family members or the public.

8. On or about March 23, 2009, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on March 1, 2007, reduced to a lesser RECKLESS DRIVING offense), in the County Court at Law No. 3 of Galveston County, Texas, under Cause No.271917. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
9. In response to Findings of Fact Numbers Six (6), Seven (7) and Eight (8), Respondent states that on November 5th, 2007, she was stopped by police at approximately 6:00 AM for erratic driving. She was arrested for suspected DWI after failing field sobriety tests. On January 9th, 2008, she was convicted of DWI and is now on probation for two years. She has performed her duties appointed to her by the court: community service, reporting to probation officer monthly, classes against victims drunk drivers and is now in a supportive out-patient alcohol recovery program. The reason for the severity is she had a pending DWI charge for an automobile accident that occurred on March 1, 2007, after falling asleep behind the wheel. Respondent states she has no excuses for her behavior, however her problem became apparent after her 21-year old son was killed by his friend in September 2005, after he had returned from deployment in Iraq. She sought treatment but the medications gave her a false feeling of happiness which she did not like. She did continue her therapy but it didn't help. She began hanging out with people who were not aware of her situation as it made her feel better. These friends were all about drinking and having a good time, so she started drinking. On March 1, 2007, she was in a near-fatal car accident and it still did not wake her up. She continued to drink, her last drink being November 5, 2007. She is trying to put her life back together.
10. 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.



11. 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.
  12. Respondent's conduct described in Findings of Fact Numbers Six (6) and Eight (8) resulted from Respondent's impairment by dependency on chemicals.
  13. 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 Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 583865, heretofore issued to ELIZA NIRA OVALLE, including revocation of Respondent's license 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 five hundred dollars (\$500) 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 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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 and multistate licensure privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

---

RESPONDENT'S CERTIFICATION

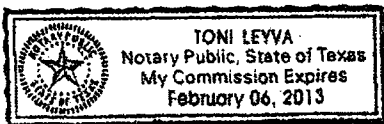
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of Dec, 2009.

Eliza N. Ovalle  
ELIZANIRA OVALLE, Respondent

Sworn to and subscribed before me this 18 day of Dec, 2009.


SEAL



Toni Leyva  
Notary Public in and for the State of TX

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 18<sup>th</sup> day of December, 2009, by ELIZA NIRA OVALLE, Registered Nurse License Number 583865, and said Order is final.

Entered and effective this 30<sup>th</sup> day of December, 2009.

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

