



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

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In the Matter of Vocational Nurse           §                   REINSTATEMENT  
License Number 141894                       §                   AGREED ORDER  
issued to JOHN ELLIOT SILL               §

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 141894, held by JOHN ELLIOT SILL, hereinafter referred to as Petitioner.

An informal conference was held on October 7, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Rachel Gomez, LVN, Board Member; Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Mike Abul-Saud, RN, Investigator; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Health Institute of San Antonio, San Antonio, Texas, on February 12, 1993. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 25, 1993.

4. Petitioner's vocational nursing employment history includes:

05/93 - 02/94	LVN	Metropolitan Hospital San Antonio, Texas
02/94 - 01/96	LVN	Brit-Tex Nursing Agency San Antonio, Texas
02/94 - 01/96	LVN	Vencor Hospital San Antonio, Texas
01/96 - 04/97	LVN	YKHC Delta Regional Hospital Behtel, Alaska
04/97 - 06/98	LVN	Vencor Hospital San Antonio, Texas
06/98 - 06/99	LVN	Scott & White Hospital Temple, Texas
06/99 - 03/04	LVN	Professional Nursing Services San Antonio, Texas
03/04 - 03/06	LVN	Kindred Hospital San Antonio, Texas
03/07 - Present	Not employed in nursing	

5. On March 17, 2006, the Board of Nurse Examiners for the State of Texas accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and March 17, 2006, Order is attached and incorporated, by reference, as a part of this Order.
6. On or about May 22, 2007, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:
  - 7.1. Letter of support, dated February 2, 2007, from Heather Allen, LCDC, AAC, NCACII, Boerne, Texas, states that Petitioner presented for an alcohol/drug evaluation on February 1, 2007. Petitioner has a low-probability of having a substance abuse or dependence diagnosis. Ms. Allen states that it is not necessary for Petitioner to have any further alcohol/drug evaluations or treatment.
  - 7.2. Letter of support, dated January 10, 2007, from Connie M. Seibel, LPC, Hill Country Community MHMR Center, Kerrville, Texas, states that Petitioner has received services from Hill Country Community MHMR Center, Kerrville, Texas, since April 2006. Petitioner receives case management, skills training, medication services, and cognitive behavioral therapy at the Kendall County Mental Health Clinic. Ms. Seibel states that she has provided cognitive behavioral therapy to Petitioner since June 2006, and he is very committed to the counseling process and has kept all of his appointments. Petitioner has learned new coping and problem solving skills and is implementing them in his daily life. Ms. Seibel states that Petitioner is making progress in therapy and does not exhibit signs of substance use/abuse.
  - 7.3. Letter of support, dated April 22, 2007, from Dawn McLendon, Children's Minister, St. Helena's Episcopal Church, Boerne, Texas, states that Petitioner is a member in good standing at St. Helena's Episcopal Church in Boerne, Texas. Minister McLendon states that she has known Petitioner for over twenty-five (25) years and he exhibits outstanding communication skills. Minister McLendon recommends reinstatement of Petitioner's nursing license.
  - 7.4. Letter of support, dated May 17, 2007, from Barbara Hill, BS, RN, states that she has known Petitioner for several years as a friend and single parent raising three (3) young daughters, and he is very personable, dependable, and hardworking. His employment history is impressive with experience in critical care nursing and rehabilitation and emergency air lift service in Alaska. Ms. Hill recommends reinstatement of Petitioner's nursing license.
  - 7.5. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives December 2005, as his date of sobriety.
9. On June 10, 2008, Petitioner was seen by John K. Reid, Ph.D., P.C., to undergo a forensic psychological evaluation to include a chemical dependency component and a polygraph examination. Psychological testing did not indicate significant deficiencies, and there was no suggestion of any psychosis or of an anti-social personality disorder. Testing results did not indicate the likelihood of a substance dependence problem. The polygraph

indicated "no deceptive criteria" when he reported on his history of criminal activity, illegal drug use and general background. He has a long history of illegal substance abuse, primarily marijuana. He reports no illegal drug use and no prescription drug abuse over the last three years, and the polygraph examination supports this report. He seems to have a reasonably good chance of conforming his behavior to the professional requirements and behaviors expected of the Texas State Board of Nursing and of not violating standards expected in the nursing practice. Because of his long prior history of marijuana usage and of inappropriate use of prescription medication, it is likely he could benefit from continuing psychotherapy or psychological counseling, at least for several months.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

#### ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of JOHN ELLIOT SILL, Vocational Nurse License Number 141894, to practice vocational nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to JOHN ELLIOT SILL, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

**IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(5) For the first year of employment as a vocational nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

(8) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(9) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(10) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(11) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days



of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(12) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(13) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

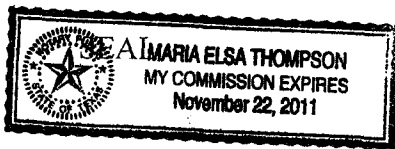
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of October, 2008.

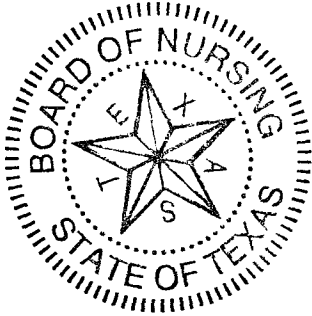
John Elliot Sill  
JOHN ELLIOT SILL, Petitioner

Sworn to and subscribed before me this 20<sup>th</sup> day of October, 2008.




Maria Elsa Thompson  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 20th day of October, 2008, by JOHN ELLIOT SILL, Vocational Nurse License Number 0141894, and said Order is final.



Effective this 9th day of December, 2008.

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Vocational Nurse License Number 141894      §      AGREED  
issued to JOHN ELLIOT SILL   §      ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JOHN ELLIOT SILL, hereinafter referred to as Respondent, Vocational Nurse License Number 141894, may have violated Article 4528c, sec. 10(a)(8)&(9), Revised Civil Statutes of Texas, as amended; Section 302.402(a)(9)&(10), Texas Occupations Code; and Section 301.452(b)(3),(9)&(10), Texas Occupations Code.

An informal conference was held on January 10, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Deborah Bell, CLU, ChFC, Board Member; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Earl E. Stearns, Investigator; and Desha Melton, RN Investigator.

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, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from the Health Institute of San Antonio, San Antonio, Texas, on February 12, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1993.

5. Respondent's vocational nursing employment history includes:

05/93 - 02/94	LVN	Metropolitan Hospital San Antonio, Texas
02/94 - 01/96	LVN	Brit-Tex Nursing San Antonio, Texas
02/94 - 01/96	LVN	Vencor Hospital San Antonio, Texas
01/96 - 04/97	LVN	YKHC Delta Regional Hospital Bethel, Alaska
04/97 - 06/98	LVN	Vencor Hospital San Antonio, Texas
06/98 - 06/99	LVN	Scott & White Hospital Temple, Texas
06/99 - Present (Inactive Status)	LVN	Professional Nursing Services San Antonio, Texas
03/04 - Present	LVN	Kindred Hospital San Antonio, Texas

6. On or about July 13, 1995, Respondent entered a plea of Nolo Contendere to POSSESSION OF MARIJUANA UNDER TWO OUNCES (a Class B Misdemeanor offense committed on January 16, 1995), in the County Court of Kendall County, Texas, under Cause No. 9310-95. As a result of the Nolo Contendere plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a six hundred fifty dollar (\$650) fine (with one hundred fifty dollars (\$150) of the fine suspended during probation), along with court costs and assessed fees. Furthermore, Respondent was ordered to complete forty-eight (48) hours of Community Service. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate

assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

7. On or about March 25, 1998, Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA UNDER TWO OUNCES, HEALTH AND SAFETY CODE SEC. 481.121(b), (a Class B Misdemeanor offense committed on December 18, 1997), in the County Court of Kendall County, Texas, under Cause No. 98-038-CR. As a result of the Guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a four hundred fifty dollar (\$450) fine (with one hundred fifty dollars (\$150) of the fine suspended during the period of probation), along with court costs and assessed fees. Furthermore, Respondent was ordered to complete forty-eight (48) hours of Community Service, and to complete the Mending Escape Symptoms and Attitudes (MESA) Program. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about November 4, 1998, an Order Adjudicating, JUDGMENT AND SENTENCE, was entered in the County Court of Kendall County, Texas, under Cause No. 98-038-CR, based on findings that Respondent had failed to comply with the terms of his probation set forth in the Court's Order of Probation Upon Deferred Proceedings Without Adjudication of Guilt entered on March 25, 1998. As a result, Respondent was found guilty of the offense of POSSESSION OF MARIJUANA UNDER TWO OUNCES, HEALTH AND SAFETY CODE SEC. 481.121(b), (a Class B Misdemeanor offense committed on December 18, 1997), and placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a four hundred fifty dollar (\$450) fine (with one hundred fifty dollars (\$150) of the fine suspended during the period of probation), and arrears in the amount of one hundred seventy five dollars (\$175), along with court costs and assessed fees. Furthermore, Respondent was ordered to complete forty-eight (48) hours of Community Service.
9. During the informal conference held at the office of the Board of Nurse Examiners, on January 10, 2006, Respondent informed Board staff that he had neglected to report his November 4, 1998 misdemeanor conviction to the Board of Vocational Nurse Examiners for the State of Texas on his next subsequent License Renewal form following the conviction.
10. On or about April 17, 2002, Respondent entered a plea of Nolo Contendere to THEFT \$20-\$500 (BY CHECK), PENAL CODE SEC. 31.03 (a Class B Misdemeanor offense committed on October 6, 2001), in the County Court at Law of Kendall County, Texas, under Cause No. 02-118-CR. As a result of the Nolo Contendere plea, the proceedings against Respondent



were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of ninety (90) days. Additionally, Respondent was ordered to pay a four hundred fifty dollar (\$450) fine (with three hundred fifty dollars (\$350) of the fine suspended during the period of probation). Furthermore, Respondent was ordered to pay restitution in the amount of six hundred sixty four dollars and seventy-nine cents (\$664.79), along with court costs and assessed fees. Respondent's conduct was unprofessional or dishonorable, and in the Board's opinion, was likely to deceive, defraud, or injure the public.

11. On or about April 1, 2004, Respondent was arrested by the Kendall County Constable's Office, Precinct 1, for POSSESSION OF DRUG PARAPHERNALIA (a Class C misdemeanor offense); POSSESSION OF MARIJUANA UNDER TWO OUNCES (a Class B misdemeanor offense); and POSSESSION OF DANGEROUS DRUGS (a Class A misdemeanor offense). Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and Possession of Dangerous Drugs is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act). The use of Marijuana and/or Dangerous Drugs by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. On or about April 5, 2004, the County Attorney, Kendall County, Texas, presented a Complaint and Information to the County Court at Law of Kendall County, Texas, under Cause No. 04-187-CR, charging Respondent with POSSESSION OF MARIJUANA UNDER TWO OUNCES, HEALTH AND SAFETY CODE SEC. 481.121(b) (a Class B misdemeanor offense committed on March 19, 2004). Additionally, the County Attorney presented a separate Complaint and Information to the County Court, under Cause No. 04-188-CR, charging Respondent with seventeen (17) counts of POSSESSION OF A DANGEROUS DRUG, HEALTH AND SAFETY CODE SEC. 483.041 (Class A misdemeanor offenses committed on March 19, 2004).
13. On or about December 8, 2005, Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA UNDER TWO OUNCES, HEALTH AND SAFETY CODE SEC. 481.121(b) (a Class B Misdemeanor offense committed on March 19, 2004), in the County Court at Law of Kendall County, Texas, under Cause No. 04-187-CR. As a result of the Guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a seven hundred dollar (\$700) fine (with two hundred fifty dollars (\$250) of the fine suspended during the period of probation), along with court costs and assessed fees. Furthermore, Respondent was ordered to pay one hundred forty dollars (\$140) in restitution, and to perform twenty-four (24) hours of Community Service. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a Licensed Vocational Nurse, while

subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

14. On or about December 8, 2005, Cause No. 04-188-CR, entered in the County Court at Law of Kendall County, Texas, was dismissed in consideration of Respondent's plea in Cause No. 04-187-CR.
15. Formal Charges were filed on October 31, 2005.
16. Formal Charges were mailed to Respondent on November 4, 2005.
17. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice vocational nursing in the State of Texas.
18. 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.
19. 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 violations of Article 4528c, sec. 10(a)(8)&(9), TEX. REV. CIV. STAT. ANN.; Section 302.402(a)(9)&(10), Texas Occupations Code; 22 TEX. ADMIN. CODE §239.11(8)&(28); Section 301.452(b)(3),(9)&(10); and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational License Number 141894, heretofore issued to JOHN ELLIOT SILL, including revocation of Respondent's vocational license 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, 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

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of Vocational Nurse License Number 141894, heretofore issued to JOHN ELLIOT SILL to practice vocational nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to JOHN ELLIOT SILL, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. 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.
4. 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 multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

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.

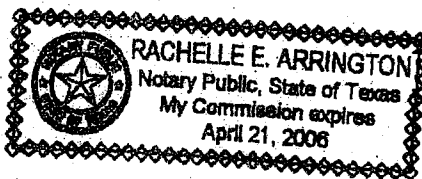
Signed this 14<sup>th</sup> day of March, 2006

John Elliot Sill  
JOHN ELLIOT SILL, Respondent

Sworn to and subscribed before me this 14<sup>th</sup> day of MARCH, 2006

SEAL

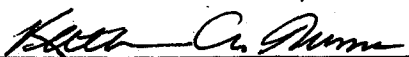
Rachelle E. Arrington  
Notary Public in and for the State of TEXAS



Approved as to form and substance.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing Vocational Nurse License Number 141894, previously issued to JOHN ELLIOT SILL.

Effective this 17th day of March, 2006.

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