



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

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

February 14, 2006

Certified Mail No. 7004 2890 0001 8856 8846

Return Receipt Requested

Christine Michelle Potts
1304 West Pecan
San Saba, TX 76877

Dear Ms. Potts:

Please find enclosed your *Conditional Eligibility Order*, ratified February 13, 2006, regarding the Petition for Declaratory Order you filed with the Board of Nurse Examiners. The disposition will be forwarded to the National Council of State Boards of Nursing, Inc., and to the Healthcare Integrity and Protection Data Bank (HIPDB). The results of any disciplinary action are public information.

You have been granted permission to write the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) upon completion of the requirements for graduation and payment of any required fees. Your eligibility to take the NCLEX-PN® Examination may be affected by any inaccuracies in your petition, and any subsequent violation of the Nursing Practice Act may affect your eligibility to sit for the examination or the later revocation of a license obtained through misrepresentation.

If you have any questions, please contact the Examination Department at (512) 305-6819.

Sincerely,

Katherine A. Thomas
Katherine A. Thomas, MN, RN
Executive Director

KAT/phr

L02/1299

Enclosures: Conditional Eligibility Order

Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Abilene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
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BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	
CHRISTINE MICHELLE POTTS	§	ORDER OF
PETITIONER for Eligibility for	§	CONDITIONAL ELIGIBILITY
Licensure	§	

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Licensure by Examination and supporting documents filed by CHRISTINE MICHELLE POTTS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452(b) *et seq.*, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on November 9, 2005, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about June 23, 2005, Petitioner submitted an Application by Examination for Licensure requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner graduated with a Diploma in Vocational Nursing from Central Texas College, Brady, Texas, on August 19, 2005.
4. Petitioner completed the Application by Examination for Licensure and answered "yes" to Question Number One (1), which reads as follows: "*Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal*

charges or unresolved arrests (excluding minor traffic violations)? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)

5. Petitioner disclosed the following criminal history, to wit:
 - A. On January 26, 2000, Petitioner was charged with the misdemeanor Class B offense of Possession of Marijuana in the County Court at Law of Tom Green County, Texas. Proceedings were deferred without adjudication of guilt, and Petitioner was required to complete forty (40) hours of community service.
 - B. On July 17, 2004, Petitioner was charged with the misdemeanor offense of Possession of Marijuana in the County Court at Law of San Saba County, Texas. Petitioner plead guilty and was accepted into a pre-trial diversion program. Petitioner was also sentenced to probation for one (1) year, required to complete seventy-five (75) hours of community service, and to attend and complete a drug awareness class.
 - C. Petitioner submitted a written statement to the Board which discloses that in 2004, when Petitioner moved from San Angelo, a warrant was issued for her arrest for "hot checks." Petitioner states that as soon as she found out about the warrant, she went to the San Angelo Municipal Court and paid them in full. According to Petitioner, no arrest made with regard to this incident.
6. There is no evidence of any subsequent criminal conduct.
7. On September 26, 2005, Petitioner was requested to undergo a Forensic Psychological Evaluation to include a Chemical Dependency Component and Polygraph Exam to determine eligibility for licensure. On October 18, 2005, Petitioner presented to Richard Connell, Ph.D., Lampasas, Texas, to undergo evaluation to determine her fitness to practice vocational nursing in the State of Texas. The results of the evaluation indicate that Petitioner would be able to consistently behave in accordance with the requirements of the Texas Board of Nursing Rules 213.27-213.29 at 22 Texas Administrative Code, as well as the minimum standards set by the Board's Rule 217.11 at 22 TAC and generally accepted nursing standards. Secondly, it appears likely that Petitioner would have a low probability of engaging in behaviors identified by the Board as constituting unprofessional conduct as elaborated in Rule 217.12. Petitioner was administered a polygraph exam on October 25, 2005, by Donald S. Trease, Allied Polygraph, San Antonio, Texas. The results of the examination indicate that Petitioner was truthful. Dr. Connell opines that Petitioner evidences no significant mental illness or other mental health pathology. Petitioner has engaged in substantial marijuana abuse in the past, but she has established a substance-free

lifestyle during the past one to two years, and test results suggest a low probability of future substance abuse difficulties.

8. 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.
9. The Executive Director considered evidence of Petitioner's substance abuse as provided in §213.29, 22 Texas Administrative Code.
10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
11. Petitioner has sworn that, with the exception of matters disclosed in connection with the Application by Examination for Licensure, her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
12. On or about November 9, 2005, the Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
13. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Executive Director finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Practical Nurses.
14. Petitioner'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. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted a petition in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner 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.

4. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Petitioner does not currently pose a direct threat to the health and safety of patients or the public.
5. The Board may, in its discretion, order a Petitioner, upon initial licensure as a vocational 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

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, CHRISTINE MICHELLE POTTS, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-PN®, shall be issued a license to practice nursing in the State of Texas.

IN ADDITION, IT IS THEREFORE FURTHER AGREED and ORDERED that PETITIONER, upon initial licensure, SHALL comply with the following conditions for 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 initial licensure, apply to

and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

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

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

(4) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privileges, 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.

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 further disciplinary action including revocation of a PETITIONER's license to practice vocational 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 relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application by Examination for 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 conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my petition, 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. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Vocational 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-PN® 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 vocational 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 6th day of February, 2006.

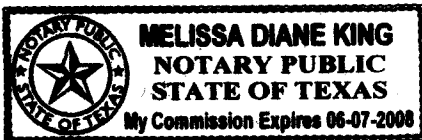
Christine Michelle Potts
CHRISTINE MICHELLE POTTS, PETITIONER

Sworn to and subscribed before me this 6th day of February, 2006.

SEAL

Melissa Diane King

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 6th day of February, 2006, by CHRISTINE MICHELLE POTTS, PETITIONER, for Application by Examination for Licensure, and said Order is final.

Entered and effective this 13th day of February, 2006.



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