

\*\*\*\*\*

www

www

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

Information received by the Board produced evidence that Respondent may have

## 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 conference, 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 Tarrant County Junior College, Fort Worth, Texas, on May 10, 2002. Respondent was licensed to practice professional nursing in the State of Texas on July 16, 2002.
5. Respondent's professional nursing employment history includes:

07/02 - 08/04	RN	Harris Methodist Hospital Bedford, TX
09/04 - 09/05	RN	Presbyterian Hospital Albuquerque, NM

Respondent's professional nursing employment history (continued):

10/05 - 05/06	RN	Seton Medical Center Austin, TX
06/06 - 07/06	Unknown	
08/06 - 08/07	RN	Physicians Hospital El Paso, TX
09/07 - Present	Unknown	

6. On or about June 5, 2003, Respondent entered a plea of Not Guilty and was convicted of DRIVING WHILE INTOXICATED/OPEN ALCOHOLIC CONTAINER (a Class B misdemeanor offense committed December 21, 2002), in the County Criminal Court 10 of Fort Worth, Texas, under Cause No. 0873751001. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of one hundred twenty (120) days; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, she was ordered to pay a fine and court costs.
7. On or about June 22, 2006, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense committed on March 13, 2006), in the County Criminal Court 6 of Fort Worth, Texas, under Cause No. 1019810001. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of three hundred sixty-five (365) days; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, she was ordered to pay a fine and court costs.
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states: In June 2006, I pled guilty to Driving While Intoxicated. This was my second Driving While Intoxicated offense, the first occurring in December 2002. Following my 2006 guilty plea and subsequent conviction, I completed all requirements assigned to me by the court and my probation officer, including DWI classes, AA meetings, and attendance at a victim impact panel. I am currently on probation, working towards finishing eighty (80) hours of community service.
9. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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.

11. Respondent's conduct described in Findings of Fact Numbers Six (6) and Seven (7) resulted from Respondent's impairment by dependency on chemicals.
12. 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)(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 688202, heretofore issued to AMY MICHELLE STRALEY, including revocation of Respondent's license to practice professional 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):

RESPONDENT SHALL deliver the wallet-sized license issued to AMY MICHELLE STRALEY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 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 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

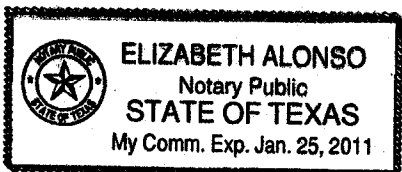
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 04 day of June, 2008.

Amy M. Straley  
AMY MICHELLE STRALEY, Respondent

Sworn to and subscribed before me this 04 day of June, 2008.

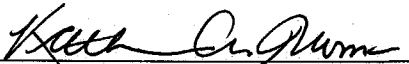
SEAL



E. Alonso  
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 and enter the Agreed Order that was signed on the 4<sup>th</sup> day of June, 2008, by AMY MICHELLE STRALEY, Registered Nurse License Number 688202, and said Order is final.

Entered and effective this 12th day of June, 2008.

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