

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 142126 §
issued to NELLI JOY DEIKE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 142126, issued to NELLI JOY DEIKE, 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.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Abilene, Texas, on January 19, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1993.
4. Respondent's nursing employment history is unknown.
5. On or about January 19, 1993, Respondent submitted an Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

“Have you ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?”

Respondent failed to disclose the following criminal convictions:

- A. On or about November 8, 1984, Respondent pled Guilty and was convicted of DRIVING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHILE INTOXICATED, a misdemeanor offense committed on August 28, 1984, in the County Court at Law, Taylor County, Texas, under Case No. 64926. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of thirty (30) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs.
- B. On or about September 15, 1989, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on June 10, 1989, in the County Court at Law No. 1, Taylor County, Texas, under Case No. 79808. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine and court costs. On or about January 24, 1991, Respondent's Probation was Revoked.
- C. On or about January 24, 1991, Respondent pled Guilty/Nolo Contendere and was convicted of THEFT, a Class A misdemeanor offense committed on October 8, 1989, in the County Court at Law No. 1, Taylor County, Texas, under Case No. 80964. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of sixty (60) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.
- D. On or about January 24, 1991, Respondent pled No Contest and was convicted of DRIVING WHILE INTOXICATED, an unclassified offense committed on March 12, 1990, in the County Court at Law No. 1, Taylor County, Texas, under Case No. 81284. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of thirty (30) days, and ordered to pay a fine and court costs.
6. On or about February 14, 1994, Respondent pled Guilty and was convicted of FELONY DRIVING WHILE INTOXICATED, a felony offense committed on March 4, 1992, in the 350th District Court, Taylor County, Texas, under Cause No. 2485-D. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs. On or about August 14, 1996, Respondent was discharged from probation.

7. On or about February 14, 1994, Respondent pled Guilty and was convicted of FELONY DRIVING WHILE INTOXICATED, a Felony offense committed on March 8, 1993, in the 350th District Court, Taylor County, Texas, under Cause No. 2925-D. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs.
8. On or about March 16, 1995, Respondent was Indicted under Cause No. 3597-D for FELONY DRIVING WHILE INTOXICATED, a felony offense committed on January 27, 1995, in the 350th District Court, Taylor County, Texas. On or about July 14, 2000, Cause No. 3597-D was dismissed for the reason: Probation Extended on September 29, 1995, in Cause No. 2485-D for this offense.
9. Formal Charges were filed on January 7, 2013.
10. Formal Charges were mailed to Respondent on date mailed January 8, 2013.
11. On March 7, 2013, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated March 4, 2013, is attached and incorporated herein by reference as part of this Order.
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 violation(s) of 22 TEX. ADMIN. CODE §239.11(28)(M) (eff. 1/93).

4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9) (eff 9/1/91) and TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(3)&(9) (eff. 9/1/93), to take disciplinary action against Vocational Nurse License Number 142126, heretofore issued to NELLI JOY DEIKE, 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, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

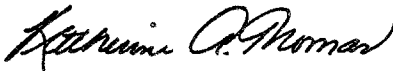
NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 142126, heretofore issued to NELLI JOY DEIKE, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation "LVN" or wear any insignia identifying herself 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.
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.

Effective this 22nd day of March, 2013.

TEXAS BOARD OF NURSING



By:

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

March, 4th, 2013

To Whom It May Concern:

I have decided to decline your offer of the peer assistance program. I do not feel this is fair since it has been 20 years since I have had problems with alcohol. I have worked at the same facility and completed 2 college degrees in that time.

Therefore, I have decided to pursue other avenues in my career. I wish to voluntarily surrender my nursing license. Please send me any paperwork that I need to sign.

Sincerely,



Joy Deike LVN