



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 68021 §
issued to EVELYN S. BOGAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EVELYN S. BOGAN, Vocational Nurse License Number 68021, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(12) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 31, 2013.

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(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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on February 27, 1976. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1976.
5. Respondent's nursing employment history includes:

1976 - 1986	Unknown
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Respondent's nursing employment history continued:

1987 - 2005	LVN	Texas Department of Criminal Justice Gatesville, Texas
2006 - 2009	LVN	Hamilton General Hospital Hamilton, Texas
2009 - 2010	LVN	Royal Manor Waco, Texas
2009 - 2010	LVN	Jeffrey Place Waco, Texas
09/10 - 10/11	LVN	West View Manor McGregor, Texas
2011 - 2011	LVN	Dove Hill Care Center Hamilton, Texas
10/11 - 02/12	LVN	Regent Care Center of Woodway Woodway, Texas
10/12 - Present	Not employed in nursing	

6. In 2009, Respondent lacked fitness to practice vocational nursing in that she attempted suicide by overdosing on Xanax. Respondent was hospitalized for two (2) weeks in the Intensive Care Unit at Scott & White Hospital, Temple, Texas. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

7. On or about August 16, 2012, Respondent lacked fitness to practice vocational nursing in that she called a friend and stated she was in a closet with a gun and was going to commit suicide. Police were called and Respondent was involuntarily committed to the San Antonio State Hospital, San Antonio, Texas, where she was diagnosed with Major Depression and Bipolar Disorder. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. In response to Finding of Fact Number Seven (7), Respondent states that she went through multiple losses and traumatic situational events in her life including, a divorce and the deaths of her mother, sister-in-law and best friend. She states she experienced so much bereavement that she was having a hard time coping with all the sudden losses. She was committed to the hospital in 2009 and she stayed approximately five (5) days at Scott & White Hospital in Temple, Texas.

In response to Finding of Fact Number Eight (8), Respondent states that in August 2012 she went through a major depression because she was out of a job. She states that after having a lot of crying spells and feelings of hopelessness, she went inside the closet to attempt suicide with her gun. She states that she had her cell phone and she called a friend who in turn called her daughter. Her son-in-law came over and took the gun, called the police and she was taken to the San Antonio State Hospital where she was committed for three weeks. She was released to Camino Real Community Services for a psychiatric evaluation and she was diagnosed with Major Depression and three months later she was diagnosed with Bipolar Disorder. She continues in treatment with Camino Real Community Services and is fully stable. She attends weekly counseling sessions at South Texas Rural Health Clinic and has been doing so for the past 5-6 months.

9. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's mental illness.
11. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(12), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 68021, heretofore issued to EVELYN S. BOGAN, up to, and including, revocation of Respondent's license(s) 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 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 and complete the enrollment process, 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, 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 all applicable license(s) 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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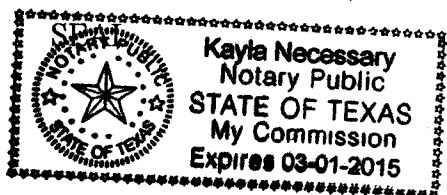
RESPONDENT'S CERTIFICATION

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(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20th day of June, 2013.

Evelyn S. Bogan
EVELYN S. BOGAN, RESPONDENT

Sworn to and subscribed before me this 20th day of June, 2013.



Kayla Necessary
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 25th day of June, 2013, by EVELYN S. BOGAN, Vocational Nurse License Number 68021, and said Order is final.

Entered and effective this 26th day of June, 2013.

Katherine A. Thomas

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