TEXAS BOARD OF NURSING

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.

Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Petitioner §
§
JOE DAVID NEFF §

DECLARATORY ORDER

A petition for eligibility has been received at the office of the Board of Nurse Examiners, hereinafter referred to as the Board, in accordance with Article 4519(a), Revised Civil Statutes of Texas, as amended, having been submitted by JOE DAVID NEFF, hereinafter referred to as Petitioner.

FINDINGS OF FACT

1. Petitioner is currently planning to enroll in an educational program that prepares an individual for initial licensure as a professional nurse in the State of Texas.

2. Petitioner has reason to believe that he may be ineligible for licensure as a professional nurse in the State of Texas.

3. On February 5, 1993, Petitioner submitted a petition for eligibility to take the National Council Licensure Examination for Registered Nurses.

4. The Board received a letter dated March 5, 1993, from Petitioner which states in pertinent part:

   " ... I am writing this letter to identify and explain the reasons leading to my treatment and progress and goals I have made and established subsequently.

   The circumstances in my life which led me to Alcoholics Anonymous were self-inflicted. I was living just to go to the next party or to the next night at a night club. My life got so mixed up during this time that I did not know who I was anymore. I graduated from Coahoma High School and attended Howard College for three years without receiving a degree. During this period from 1984 to 1989, drinking pretty much consumed most of my time. I could not hold a job for very long and lost most of my friends. I met and married my wife in 1990. I am still married and have one daughter age 10 months.

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My daughter and my wife are the main reasons that I sought treatment for my disease. I went into treatment at White River Retreat in June of 1992 and completed a 26 day program. I am now an active member of the 615 Settles Group in Big Spring, Texas. I attend meetings on a regular basis and do, to the best of my ability, the things suggested to me to keep my disease under control. I have a sponsor, V.H. (Hoss) Morris, and many others in the group who support me and help me continue to work a good program. I have re-entered Howard College in Big Spring and graduated with an Associate of Science Degree in December 1992. I am now attending the spring semester completing my pre-requisite requirements for admission into nursing school.

Why nursing school? I have been around medicine all of my life and was planning to become a veterinarian like my father Dr. Joe Kent Neff and my brother Dr. Bryan Garrett Neff. Due to my addiction and my grades in school during the time I was still using, I gave up and became a drunk. Since treatment I have been very interested in the nursing field. I like the medical profession and since being in A.A., I have learned a whole new meaning for the words "caring for others". I truly love being around people and lending a helping hand when needed. I hope to be able to do this as a Registered Nurse.

You might say my life has made a complete turnaround for the better and I am enjoying every day of it with my family and friends..."

5. The Board received a letter dated March 11, 1993, from Nancy LaRoux, Assistant Administrator, C.I., White River Retreat, Spur, Texas, which states in pertinent part:

"Per request from Joe David Neff, this letter is to confirm that he was admitted to the White River Retreat on June 23, 1992 for alcohol and drug dependence, being discharged on July 19, 1992.

He willingly participated in all assigned sessions both group and individual, his motivation continued throughout this time span.

Aftercare and discharge plan included attending four to five meetings weekly and he is complying per our reports.

His prognosis is good..."

6. The Board received the following in support of Petitioner:

A. Letter, postmarked March 29, 1993, from Virgil H. Morris, Big Spring, Texas
B. Letter, dated April 26, 1993, from Donald Frank Davis, LCDC/CADAC, Big Spring, Texas
C. Letter, dated April 28, 1993, from Shelley Smith, Big Spring, Texas

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CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Article 4519(a), Revised Civil Statutes of Texas, as amended.

2. Petitioner has submitted a petition in compliance with Article 4519(a), Revised Civil Statutes of Texas, as amended.

3. The evidence presented constitutes insufficient evidence to refuse admittance to the National Council Licensure Examination for Registered Nurses under powers granted by Article 4525(a), Revised Civil Statutes of Texas, as amended.

ORDER

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby order and declare that JOE DAVID NEFF is ELIGIBLE to take the National Council Licensure Examination for Registered Nurses.

This Order determines Petitioner's eligibility with respect to the basis for potential ineligibility set out in this Order only.

When applying to take the National Council Licensure Examination for Registered Nurses, Petitioner must provide evidence of continued sobriety, evidence of support group attendance, and fitness to practice professional nursing.

Upon graduation, one of the following conditions may apply:

1. Upon submitting to the Board a completed application to take the National Council Licensure Examination for Registered Nurses, Petitioner may be required to participate in the Texas Peer Assistance Program for Nurses (TPAPN); or,

2. Petitioner's license may be subject to disciplinary action including but not limited to stipulations or probation conditions under which Petitioner may practice.

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Any inaccuracies in the petition for eligibility may affect Petitioner's ability to take the National Council Licensure Examination for Registered Nurses.

Any subsequent violation of the Nurse Practice Act may affect Petitioner's eligibility to take the National Council Licensure Examination for Registered Nurses.

Entered this 20th day of July, 1993.

Louise Waddill

Louise Waddill, Ph.D., R.N.
Executive Director on behalf of said Board