

WHO HAS 0.08 PERCENT OR MORE, BY WEIGHT, OF ALCOHOL IN HIS OR HER BLOOD TO DRIVE A VEHICLE." Respondent entered a plea of Not Guilty to each count.

On or about August 4, 2004, Respondent entered a plea of Nolo Contendere to Count 2, and was convicted of Count 2, CA VC23152(B) (a misdemeanor offense committed on April 26, 2004), in the Torrance Court House Div. 006, Los Angeles, California, under Cause No. 4SB04511. As a result of the conviction, Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay restitution in the amount of two hundred dollars (\$200), along with a fine and court costs.

6. On or about August 31, 2005, Respondent was charged with Count 1, CA VC23152(A), "IT IS UNLAWFUL FOR ANY PERSON WHO IS UNDER THE INFLUENCE OF ANY ALCOHOLIC BEVERAGE OR DRUG, OR UNDER THE COMBINED INFLUENCE OF ANY ALCOHOLIC BEVERAGE AND DRUG, TO DRIVE A VEHICLE," Count 2, CA VC23152(B), "IT IS UNLAWFUL FOR ANY PERSON WHO HAS 0.08 PERCENT OR MORE, BY WEIGHT, OF ALCOHOL IN HIS OR HER BLOOD TO DRIVE A VEHICLE," and Count 3, CA HS11357(b), "EVERY PERSON WHO POSSESSES NOT MORE THAN 28.5 GRAMS OF MARIJUANA, OTHER THAN CONCENTRATED CANNABIS, IS GUILTY OF A MISDEMEANOR."

On or about August 31, 2005, Respondent entered a plea of Nolo Contendere and was convicted of Count 2, CA VC23152(B) (a misdemeanor offense committed on November 8, 2004), in the Superior Court of California, County of San Bernardino, under Cause No. TRE037161. As a result of the conviction, Respondent was sentenced to confinement in the San Bernardino County Jail for a period of fifteen (15) days. Additionally, Respondent was placed on probation for a period of thirty-six (36) months, and ordered to pay a fine and court costs. Further, Counts 1, 3 and 4 were dismissed as part of the plea agreement.

7. On or about April 18, 2007, Respondent's application for licensure by endorsement to practice professional nursing in the State of Arizona was issued an Order of Denial by the Arizona State Board of Nursing, Phoenix, Arizona, based on findings that:
 - On or about August 4, 2004, in case number 4SB04511, Applicant was convicted, pursuant to a plea agreement, of driving under the influence ("DUI");
 - On or about August 31, 2005, in case number TRE037161, Applicant was found guilty, pursuant to a plea agreement, of DUI;
 - On or about January 25, 2007, the Board considered Applicant's application for licensure. The Board allowed him opportunity to obtain a psychological evaluation, to include a substance abuse evaluation, by a Board-approved evaluator. As of January 16, 2007, the Board had not received information from Applicant that he had completed an evaluation by a Board approved evaluator.

A copy of the Findings of Fact, Conclusions of Law, and Order dated April 18, 2007, is attached and incorporated by reference as part of this Order.

8. On or about July 2, 2008, Respondent submitted a License Renewal Form (Inactive Status) to the Texas Board of Nursing in which he answered "Yes" to the following question: "Has any licensing authority refused to issue you a license. . . ."

On or about April 18, 2007, Respondent's application for licensure in the State of Arizona was denied.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: "I had applied for nursing licensure in the State of Arizona, however, I moved to Florida. As a result, a deadline was missed for me to submit a psychiatric evaluation. My application for RN licensure was denied."
10. On January 26, 2009, Respondent submitted a statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the statement dated January 26, 2009, is attached and incorporated, by reference, as part of this Order.
11. 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.
12. 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 violations of Section 301.452(b)(8),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(11)(B)&(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. 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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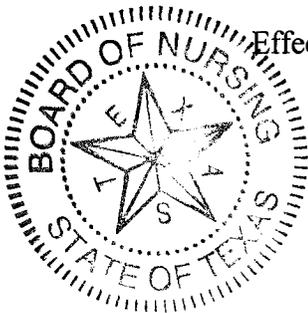
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 603933, heretofore issued to DAREN GREGORY RUDISAILE, to practice professional 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 professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 9th day of February, 2009.



TEXAS BOARD OF NURSING

By:



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