



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.  
*Patricia Vianes-Cabrera*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of §  
EDDIE EUGENE WILSON § ORDER OF  
APPLICANT for Eligibility for § CONDITIONAL ELIGIBILITY  
Licensure §

On the date entered below, the Board of Nurse Examiners considered the Application for Initial Licensure by Examination and supporting documents filed by EDDIE EUGENE WILSON, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein, and makes the following Findings of Fact and Conclusions of Law.

Information received by the Board produced evidence that APPLICANT may have violated Section 301.257, Texas Occupations Code.

A public meeting was held on December 14, 1999, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (BNE), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the application of EDDIE EUGENE WILSON, APPLICANT, was considered.

Board Members in attendance were: Kenneth W. Lowrance, MS, RN, CS, FNP-C, BNE President; John Fonteno Jr., Consumer Member; Thalia H. Munoz, MS, RN, Nursing Practice; and Linda R. Rounds, PhD, RN, FNP, APN Education, as an observer. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; J. Kent Black, General Counsel; James W. Johnston, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; Regina Ake, Investigator; Diane Barnet, BA, RN, Investigator; Casey England, Investigator; Georgia Lavin, Executive Assistant; and Patricia Vianes-Cabrera, Legal Assistant.

APPLICANT appeared in person. APPLICANT waived representation by legal counsel.

### FINDINGS OF FACT

1. On or about May 13, 1999, Applicant submitted an Application for Initial Licensure by Examination requesting a determination of eligibility for licensure in compliance with Article 4519a, Section 1(a), Texas Revised Civil Statutes, Annotated, as amended. On or about June 11, 1999, Applicant submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Article 4519a, Section 1(a), Texas Revised Civil Statutes, Annotated, as amended.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 5, 1999.
4. Applicant provided an affirmative answer to the inquiry authorized by Rule 213.29(b)(1) at 22 Texas Administrative Code and presented evidence of current fitness to practice professional nursing.
5. Applicant's sobriety date is December 1, 1997.
6. Applicant is thirty (30) years of age.
7. On or about October 4, 1999, Applicant had a psychiatric evaluation done by Joel Kutnik, MD, PA. The evaluation concludes, in pertinent part "Therefore, I do not see any psychiatric syndrome at the present time which would cause him to be unable to function effective and competently as a nurse..."
8. Applicant's medical records from the Veterans' Administration Outpatient Clinic, Corpus Christi, Texas, confirm the Applicant's self reported history. In pertinent part, the medical report summary states: "...patient is medically stable and has addressed his psychosocial issues by gaining some insight into his addiction and addiction process....This patient is felt to be competent for VA purposes."
9. The Board received letters of support/recommendation for Applicant from the following:
  - A. A letter of recommendation dated February 24, 1999, received from Valerie Pellegrino, MSN, RN, CS, Instructor, Del Mar College, Corpus Christi, Texas.

- B. A letter of recommendation dated February 24, 1999, received from Shari Stoops, MSN, RN, CS, Instructor, Del Mar College, Corpus Christi, Texas.
  - C. A letter of recommendation dated March 1, 1999, received from Rodolfo Bayardo, RN, BSN, CCRN, Instructor, Del Mar College, Corpus Christi, Texas.
  - D. A letter of recommendation dated June 1, 1999, received from Sherry Johnson, RN co-worker, Heart Hospital, Corpus Christi, Texas.
  - E. A letter received from Wayne Webb, Sponsor, Alcoholics Anonymous and Cocaine Anonymous.
  - F. A letter of recommendation received from Susan J. Reinhart, MS, RN, Instructor, Del Mar College, Corpus Christi, Texas.
10. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous role under demanding and stressful conditions.
  11. The Board considered evidence of Applicant's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code .
  12. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.
  13. The Board has determined that a Applicant for licensure who has not been fit and sober for a period of at least five (5) continuous years [sixty (60) continuous months], poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
  14. The Board further finds that the stipulations hereinafter set forth are necessary to assure that the public will be protected and that the Applicant will continue to conform conduct to the requirements of the law and the Board's practice standards.
  15. Applicant has sworn that, with the exception of matters disclosed in connection with the Application for Initial Licensure by Examination, his past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
  16. Applicant has been advised that any information found to be incomplete, incorrect, or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.

17. The Board's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
18. On or about December 14, 1999, the Eligibility and Disciplinary Committee of the Board considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
19. In consideration of Applicant's past conduct and subsequent evidence of rehabilitation, the Board finds that Applicant should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Applicant has submitted an application in compliance with Section 301.257, Texas Occupations Code.
3. Applicant's substance abuse and lack of fitness is grounds for denial of licensure under Section 301.452(b)(9), Texas Occupations Code.
4. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
5. The Board of Nurse Examiners may license an individual who has a history of substance abuse and lack of fitness, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Applicant does not currently pose a direct threat to the health and safety of patients or the public.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

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ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, EDDIE EUGENE WILSON, APPLICANT, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). APPLICANT SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that APPLICANT, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation and shall be subject to stipulation(s).

IT IS FURTHER ORDERED that APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER ORDERED that, upon initial licensure, APPLICANT SHALL successfully complete the following:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a

Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

**IT IS FURTHER AGREED, AT THE TIME OF LICENSURE, SHOULD APPLICANT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT'S PROFESSIONAL NURSING PRACTICE SHALL BE LIMITED TO A CLINICAL PRACTICE SETTING. DURING THIS STIPULATION PERIOD, APPLICANT SHALL NOT BE SELF-EMPLOYED OR CONTRACT FOR SERVICES. APPLICANT SHALL NOT BE EMPLOYED BY A NURSE REGISTRY, TEMPORARY NURSE EMPLOYMENT AGENCY, HOME HEALTH AGENCY OR MULTIPLE EMPLOYERS. APPLICANT SHALL PRACTICE UNDER THE FOLLOWING STIPULATIONS FOR THE FIRST THREE (3) YEARS OF EMPLOYMENT:**

(2) APPLICANT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. APPLICANT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(3) APPLICANT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided by the Board, to the Board's office within ten (10) days of receipt of this Order. APPLICANT SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(4) For the first year of employment as a registered nurse under this Order, APPLICANT SHALL be directly supervised by a registered nurse. Direct supervision requires another professional nurse to be working on the same unit as APPLICANT and readily available to provide assistance and intervention. APPLICANT SHALL work only on regularly assigned, identified and predetermined unit(s). The APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) For the remainder of the stipulation period under this Order, APPLICANT SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as APPLICANT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) APPLICANT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan or other synthetic opiates for one (1) year of employment as a professional nurse.

(7) APPLICANT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to APPLICANT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. These reports shall be submitted to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(8) APPLICANT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, APPLICANT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(9) APPLICANT SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the APPLICANT's place of employment at any time during the stipulation/probation period and require APPLICANT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. APPLICANT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.



Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(10) APPLICANT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and APPLICANT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by APPLICANT. APPLICANT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER ORDERED that upon full compliance with the terms of this Order, APPLICANT shall be issued an unencumbered license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Initial Licensure by Examination, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 18<sup>th</sup> day of MARCH, 2000.

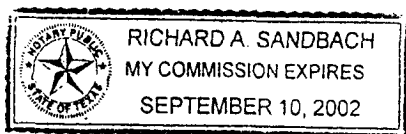
Eddie Eugene Wilson  
EDDIE EUGENE WILSON, APPLICANT

Sworn to and subscribed before me this 18<sup>th</sup> day of MARCH, 2000.

SEAL

Richard A. Sandbach

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 18th day of March, 2000, by EDDIE EUGENE WILSON, APPLICANT, for Application for Initial Licensure by Examination, and said Order is final.

Entered this 3rd day of April, 2000.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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

Attachments: Section 301.257, Texas Occupations Code  
Section 301.452(a),(b) and (c), Texas Occupations Code  
Section 301.453, Texas Occupations Code .  
Rule 213.27, 22 Texas Administrative Code  
Rule 213.29, 22 Texas Administrative Code

**Sec. 301.257. Declaratory Order of License Eligibility.**

- (a) A person may petition the board for a declaratory order as to the person's eligibility for a license under this chapter if the person:
  - (1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license as a registered nurse; and
  - (2) has reason to believe that the person is ineligible for the license.
- (b) The petition must state the basis for the person's potential ineligibility.
- (c) The board has the same powers to investigate the petition and the person's eligibility that it has to investigate a person applying for a license.
- (d) The petitioner or the board may amend the petition to include additional grounds for potential ineligibility at any time before a final determination is made.
- (e) If the board proposes to find that the petitioner is ineligible for a license, the petitioner is entitled to a hearing before the State Office of Administrative Hearings.
- (f) The board's order must set out each basis for potential ineligibility and the board's determination as to eligibility. In the absence of new evidence known to but not disclosed by the petitioner or not reasonably available to the board at the time the order is issued, the board's ruling on the petition determines the person's eligibility with respect to the grounds for potential ineligibility set out in the order.
- (g) The board may require an individual accepted for enrollment or enrolled in an educational program preparing a student for initial licensure as a registered nurse to submit information to the board to permit the board to determine whether the person is aware of the conditions that may disqualify the person from licensure as a registered nurse on graduation and of the person's right to petition the board for a declaratory order under this section. Instead of requiring the person to submit the information, the board may require the educational program to collect and submit the information on each person accepted for enrollment or enrolled in the program.
- (h) The information required under Subsection (g) must be submitted in a form approved by the board.
- (i) If, as a result of information provided under Subsection (g), the board determines that a person may not be eligible for a license on graduation, the board shall notify the educational program of its determination.

(formerly V.A.C.S. Art. 4519a.)

effec 09/01/99(301257.099)

**Sec. 301.452. Grounds for Disciplinary Action.**

- (a) In this section, "intemperate use" includes practicing professional nursing or being on duty or on call while under the influence of alcohol or drugs.
- (b) A person is subject to denial of a license or to disciplinary action under this subchapter for:
- (1) a violation of this chapter or a rule or order issued under this chapter;
  - (2) fraud or deceit in procuring or attempting to procure a license to practice professional nursing;
  - (3) a conviction for a felony or for a misdemeanor involving moral turpitude;
  - (4) conduct that results in the revocation of probation imposed because of conviction for a felony or for a misdemeanor involving moral turpitude;
  - (5) use of a nursing license, diploma, or permit, or the transcript of such a document, that has been fraudulently purchased, issued, counterfeited, or materially altered;
  - (6) impersonating or acting as a proxy for another person in the licensing examination required under Section 301.253 or 301.255;
  - (7) directly or indirectly aiding or abetting an unlicensed person in connection with the unauthorized practice of professional nursing;
  - (8) revocation, suspension, or denial of, or any other action relating to, the person's license to practice nursing in another jurisdiction;
  - (9) intemperate use of alcohol or drugs that the board determines endangers or could endanger a patient;
  - (10) unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive, defraud, or injure a patient or the public;
  - (11) adjudication of mental incompetency;
  - (12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public; or
  - (13) failure to care adequately for a patient or to conform to the minimum standards of acceptable professional nursing practice in a manner that, in the board's opinion, exposes a patient or other person unnecessarily to risk of harm.
- (c) The board may refuse to admit a person to a licensing examination for a ground described under Subsection (b).

(formerly V.A.C.S. Art. 4525, Subsecs. (a) (part), as amended Acts 73rd Leg., R.S., Ch. 436, (a) (part), as amended Acts 73rd Leg., R.S., Ch. 840, (b), as amended Acts 73rd Leg., R.S., Ch. 840.) effec 09/01/99(301452ac.099)

**Sec. 301.453. Disciplinary Authority of Board; Methods of Discipline.**

(a) If the board determines that a person has committed an act listed in Section 301.452(b), the board shall enter an order imposing one or more of the following:

- (1) denial of the person's application for a license, license renewal, or temporary permit;
- (2) issuance of a written warning;
- (3) administration of a public reprimand;
- (4) limitation or restriction of the person's license, including:
  - (A) limiting to or excluding from the person's practice one or more specified activities of professional nursing; or
  - (B) stipulating periodic board review;
- (5) suspension of the person's license for a period not to exceed five years;
- (6) revocation of the person's license; or
- (7) assessment of a fine.

(b) In addition to or instead of an action under Subsection (a), the board, by order, may require the person to:

- (1) submit to care, counseling, or treatment by a health provider designated by the board as a condition for the issuance or renewal of a license;
- (2) participate in a program of education or counseling prescribed by the board;
- (3) practice for a specified period under the direction of a registered nurse designated by the board; or
- (4) perform public service the board considers appropriate.

(c) The board may probate any penalty imposed on a registered nurse and may accept the voluntary surrender of a license. The board may not reinstate a surrendered license unless it determines that the person is competent to resume practice.

(d) If the board suspends, revokes, or accepts surrender of a license, the board may impose conditions for reinstatement that the person must satisfy before the board may issue an unrestricted license.

(formerly V.A.C.S. Art. 4525, Subsec. (a) (part), as amended Acts 73rd Leg., R.S., Ch. 436; Art. 4525.1, Subsecs. (a), (b), (c), (d).) effec 09/01/99(301453.099)

**BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS  
PRACTICE AND PROCEDURE**

**§213.27. Good Professional Character.**

(a) Good professional character is the integrated pattern of personal, academic and occupational behaviors which, in the judgment of the Board, indicates that an individual is able to consistently conform his or her conduct to the requirements of the Nursing Practice Act, the Board's rules and regulations, and generally accepted standards of nursing practice including, but not limited to, behaviors indicating honesty, accountability, trustworthiness, reliability and integrity.

(b) Factors to be used in evaluating good professional character in eligibility and disciplinary matters are:

(1) Good professional character is determined through the evaluation of behaviors demonstrated by an individual in his or her personal, academic and occupational history. An individual's age, education and experience necessarily affect the nature and extent of behavioral history; and, therefore shall be considered in each evaluation.

(2) A person who seeks to obtain or retain a license to practice professional nursing shall provide evidence of good professional character which, in the judgment of the Board, is sufficient to insure that the individual can consistently act in the best interest of patients/clients and the public in any practice setting. Such evidence shall establish that the person:

(A) is able to distinguish right from wrong;

(B) is able to think and act rationally;

(C) is able to keep promises and honor obligations;

(D) is accountable for his or her own behavior;

(E) is able to practice nursing in an autonomous role with patients/clients, their families and significant others and members of the public who are or who may become physically, emotionally or financially vulnerable;

(F) is able to recognize and honor the interpersonal boundaries appropriate to any therapeutic relationship or health care setting; and

(G) is able to promptly and fully self-disclose facts, circumstances, events, errors and omissions when such disclosure could enhance the health status of patients/clients or the public or could protect patients/clients or the public from unnecessary risk of harm.

Repeal and New chapter adopted 6/98 to become effective 9/98. Amended 6/99, effective 7/20/99.079)

**BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS  
PRACTICE AND PROCEDURE**

**§213.29. Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters.**

(a) A person desiring to obtain or retain a license to practice professional nursing shall provide evidence of current sobriety and fitness.

(b) Such person shall provide a sworn certificate to the Board stating that he/she has read and understands the requirements for licensure as a registered nurse and that he/she has not:

(1) within the past five years, become addicted to or treated for the use of alcohol or any other drug; or

(2) within the past five years, been diagnosed with, treated or hospitalized for schizophrenia and/or other psychotic disorders, bi-polar disorder, paranoid personality disorder, antisocial personality disorder or borderline personality disorder. (6/99)

(c) Such person, if unable to sign the certification in subsection (b) of this section, shall execute an authorization for release of medical, psychiatric and treatment records in relation to the conditions mentioned in subsection (b) of this section.

(d) Such person shall submit to and pay for an evaluation by a professional approved by the executive director to determine current sobriety and fitness. The evaluation shall be limited to the conditions mentioned in subsection (b) of this section.

(e) Prior intemperate use or mental illness is relevant only so far as it may indicate current intemperate use or lack of fitness.

(f) No license shall be denied under this rule unless it is shown that the person seeking to obtain or retain the license poses a direct threat to the health and safety of patients/clients, their families or significant others or the public.

(g) With respect to chemical dependency in eligibility and disciplinary matters, the executive director is authorized to:

(1) review submissions from a movant, materials and information gathered or prepared by staff, and identify any deficiencies in file information necessary to determine the movant's request;

(2) close any eligibility file in which the movant has failed to respond to a request for information or to a proposal for denial of eligibility within 60 days thereof;

(3) approve eligibility, enter eligibility orders and approve renewals, without board ratification, when the evidence is clearly insufficient to prove a ground for denial of licensure; and

(4) propose conditional orders in eligibility, disciplinary and renewal matters for individuals who have experienced chemical/alcohol dependency within the past five years provided:

(A) the individual presents reliable and verifiable evidence of having functioned in a sober/abstinent manner for twelve consecutive months; and

(B) licensure limitations/ stipulations and/or peer assistance program participation can be implemented which will ensure that patients and the public are protected until the individual has attained a five-year term of sobriety/abstinence.

(h) With respect to mental illness in eligibility, disciplinary, and renewal matters, the executive director is authorized to propose conditional orders for individuals who have experienced mental illness within the past five years provided:

(1) the individual presents reliable and verifiable evidence of having functioned in a manner consistent with the behaviors required of nurses under the Nursing Practice Act and Board rules for at least twelve consecutive months; and,

(2) licensure limitations/stipulations and/or peer assistance program participation can be implemented which will ensure that patients and the public are protected until the individual has attained a five-year term of controlled behavior and consistent compliance with the requirements of the Nursing Practice Act and Board rules.

(i) In renewal matters involving chemical dependency or mental illness, the executive director shall consider the following information from the preceding renewal period:

(1) evidence of the licensee's safe practice;

(2) compliance with the NPA and Board rules; and

(3) written verification of compliance with any treatment.

(j) Upon receipt of items (i)(1)-(3) of this section, the executive director may renew the license.

Repeal and New chapter adopted 6/98 to become effective 9/98.  
Amended 6/99, effective 7/20/99 21329.079





# BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

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AUSTIN, TEXAS 78767-0430

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333 GUADALUPE, SUITE 3-460  
AUSTIN, TEXAS 78701 • 512/305-7400 • Fax: 512/305-7401

KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR

April 3, 2000

Certified Mail No. Z 415 907 897  
Return Receipt Requested

Eddie Eugene Wilson  
5634 Weber Road A-124  
Corpus Christi TX 78411

Dear Ms. Wilson:


Please find enclosed your *Conditional Eligibility Order* Application for Initial Licensure by Examination you filed.

You have been granted permission to write the National Registered Nurses (NCLEX-RN® Examination) upon completion and payment of any required fees. Your eligibility to take the exam is not affected by any inaccuracies in your petition, and any such inaccuracies under the Act may affect your eligibility to sit for the examination or the later revocation of your license through misrepresentation.

Please find enclosed a copy of the *Nursing Practice Act*.

If you have any questions, please contact Karen Walters at (512)305-6817.

Sincerely,

  
Katherine A. Thomas, MN, RN  
Executive Director

KAT/MRA

R02/1299

Enclosures: Conditional Eligibility Order  
Nursing Practice Act

Z 415 907 897

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail.

Sent To: Eddie Eugene Wilson  
Street & Number \_\_\_\_\_  
Post Office, State, & ZIP Code \_\_\_\_\_

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
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