BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of TRACIE MICHELLE JOLIC APPLICANT for Eligibility for Licensure	§ § § §	ORDER OF CONDITIONAL ELIGIBILITY

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Initial Licensure by Examination and supporting documents filed by TRACIE MICHELLE JOLIC, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452 *et seq.*, Texas Occupations Code.

A public meeting was held on March 13, 2001, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the application of TRACIE MICHELLE JOLIC, APPLICANT, was considered.

APPLICANT was not in attendance, but agreed to have her case heard telephonically. APPLICANT was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Linda R. Rounds, PhD, RN, FNP, APN, BNE President; John Fonteno Jr., Consumer Member; Thalia H. Munoz, MS, RN, Nursing Practice; Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; Christopher Schroeder, Investigator; and Patricia Vianes-Cabrera, Legal Assistant.

FINDINGS OF FACT

1. On or about December 14, 2000, Applicant submitted an Application for Initial Licensure by Examination in compliance with 301.257 *et seq.*, Texas Occupations Code.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, on December 14, 2000.

4. Applicant disclosed the following criminal history, to wit:

   A. The following are arrests as outlined on the Texas Department of Public Safety (DPS) criminal history report:

      1. Arrest date of July 30, 1991. Applicant was convicted of Abusive and Profane Language, and was assessed a fine in the amount of one hundred dollars ($100.00) by the Amarillo Police Department, Amarillo, Texas.

      2. Arrest date of September 10, 1996. Applicant was charged with Theft by Check, a misdemeanor by the Potter County Court, Amarillo, Texas.

      3. Arrest date of May 27, 1997. Applicant was charged with Issuance of a Bad Check, a Class C Misdemeanor, and was assessed a fine in the amount of one hundred dollars ($100.00) by the Randall County Court, Amarillo, Texas.

5. There is no evidence of any subsequent conviction.

6. The Board received letters of support/recommendation for Applicant from the following:

   - A letter of reference dated August 23, 2000, by Jill Rushing, MSN, RN, Nursing Instructor, Division of Nursing, Amarillo College, Amarillo, Texas.

   - A letter of reference dated September 12, 2000, by Sandra Roberson, RN, BSN, MSN, Assistant Professor, Psychiatric Mental Health Nursing, Amarillo College, Amarillo, Texas.

7. On March 13, 2001, the Eligibility and Disciplinary Committee of the Board considered the evidence of the conviction and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.

8. On March 13, 2001, the Eligibility and Disciplinary Committee of the Board considered

evidence of applicant's post conviction 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.

9. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.

10. The Committee's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

11. Applicant has been advised by the Board 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 fraud or deceit.

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 301.257 *et seq.*, Texas Occupations Code.

3. Applicant's criminal history reflects a conviction involving moral turpitude which is grounds for denial of a license under 301.452 *et seq.*, 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 may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

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 her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, TRACIE MICHELLE JOLIC, 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 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 AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where APPLICANT wishes to work.

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 APPLICANT SHALL be subject to the following stipulations.

(1) APPLICANT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. APPLICANT 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. APPLICANT 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 APPLICANT'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.

(2) APPLICANT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics to include professional boundaries. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) contact hours in length. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT'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, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. 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 Chapter 53, Section 53.001 *et seq.*, 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 as 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 Board of Nurse Examiners enter this Order.

Signed this 16th day of April, 2001.

Tracie Michelle Jolic

TRACIE MICHELLE JOLIC, APPLICANT

Sworn to and subscribed before me this 16 day of April, 2001.

SEAL

Donna Cooper

Notary Public in and for the State of Tx

DONNA COOPER
NOTARY PUBLIC,
STATE OF TEXAS
My Commission Expires 7-11-2001

DISPOSITION FORM Date Assigned: 10-12-00

Log #: 0110T029 Investigator Assigned: 063

Name of RN: Tracie Michelle Jolie License # Petitioner

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Date Referred to TPAPN: _____ Date Referred to Other Agency: _____

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CHECK IF APPLICABLE AND INCLUDE DATES FOR ALL MARKED RESPONSES

_____ Informal Conference date: _____ Recommendations: _____

_____ Charges Filed date: _____ Charges Dismissed: _____ Legal initials _____

_____ ALJ Hearing date: _____

_____ Voluntary Surrender effective date: _____ (date received in office)

DATE INVESTIGATION WAS COMPLETED 02-06-01

DATE OF RATIFICATION BY BOARD/E & D 04-~~26~~ 30-01

FINAL DISPOSITION TS **DURATION:** _____

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(Please complete only if applicable)

FINAL CLOSE DATE

Impostor - date referred to DA: _____

No Violation - date closed: _____

Admonishment Letter - date closed: _____

Insufficient Evidence - date closed: _____

No Action - date closed: _____

Other - date closed: _____ Reason for closure: _____

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PRIOR DISCIPLINARY ACTION: _____ Date(s): _____

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FINAL VIOLATIONS:

(pre 09/01/93)		*(09/01/93-08/31/99)*		*(effec. 09/01/99)*	
Article 4525(a)	_____	Article 4525(b)	_____	Sec. 301.452(b)	03
§217.11	_____ (12)	§217.11	_____ (12)	§217.11	_____ (13)
§217.13	_____ (09)	§217.13	_____ (09)	§217.12	_____ (10)

Complaint Narrative: _____

_____

_____

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Date submitted to Supervisor: _____ Date Approved by Supervisor: _____

04/00-B40.wrk Posted on RN FILE: _____ Caselog: 04-26-01 AC

CE Update Audit Records_____

WHEREFORE, PREMISES CONSIDERED, 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 16th day of April, 2001, by TRACIE MICHELLE JOLIC, APPLICANT, for Application for Initial Licensure by Examination, and said Order is final.

Entered this *30th* day of *April*, *2001*.

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
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code
Section 301.453, Texas Occupations Code