



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 560997 § AGREED
issued to JOEY GERARD GUIDRY § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JOEY GERARD GUIDRY, License Number 560997, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 14, 2004, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from University of Southwest Louisiana, Lafayette, Louisiana, in May 1989. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 1990.
5. Respondent's professional employment history includes:

05/89 - 06/90 Staff Nurse
 Our Lady of Lourdes Hospital
 Lafayette, Louisiana

Respondent's professional employment history continued:

07/90 - 04/91	Student in Nurse Anesthetist Program Baylor College of Medicine
04/91 - 11/91	Pool RN Gulf Coast Hospital Baytown, Texas
04/91 - 03/92	Pool RN Southmore Hospital Pasadena, Texas
03/92 - 07/92	Student in Nurse Anesthetist Program Baylor College of Medicine
07/92 - 05/94	Staff Nurse Southmore Hospital Pasadena, Texas
05/94 - 11/97	Not employed in nursing
08/97 - 05/98	Staff Nurse Cypress Fairbanks Hospital Houston, Texas
05/98 - Present	Staff Nurse San Jacinto Methodist Hospital Baytown, Texas

6. On May 6, 1994, the Board of Nurse Examiners for the State of Texas accepted the Voluntary Surrender of Respondent's license to practice professional nursing. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated May 6, 1994, is attached and incorporated by reference as part of this Order.
7. On June 17, 1997, Respondent's license to practice professional nursing was reinstated with stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Reinstatement Agreed Order dated June 17, 1997, is attached and incorporated by reference as part of this Order.
8. At the time of the incident, Respondent was employed as a Staff Nurse with San Jacinto Methodist Hospital, Baytown, Texas, and had been in this position for five (5) years and seven (7) months.

9. On or about December 15, 2003, while employed with San Jacinto Methodist Hospital, Baytown, Texas, Respondent engaged in the intemperate use of Marijuana in that Respondent produced a specimen for a drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. Respondent's conduct described in Finding Number nine (9) resulted from Respondent's impairment by dependency on chemicals.
13. 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 of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 560997, heretofore issued to JOEY GERARD GUIDRY, including revocation of Respondent's professional license 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, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, 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 and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 Respondent's multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 State of Texas 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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 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 Board of Nurse Examiners, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30th day of January, 2004.

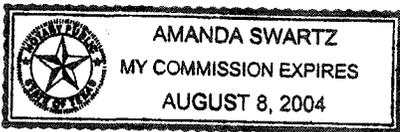
Joeey Gerard Guidry
JOEY GERARD GUIDRY, Respondent

Sworn to and subscribed before me this 30th day of January, 2004.

SEAL

Amanda Swartz

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 accept and enter the Agreed Order that was signed on the 30th day of January, 2004, by JOEY GERARD GUIDRY, License Number 560997, and said Order is final.

Entered and effective this 4th day of February, 2004.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 560997 issued to § REINSTATEMENT AGREED ORDER
JOEY GERARD GUIDRY §

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 560997, held by JOEY GERARD GUIDRY, hereinafter referred to as Petitioner.

An informal conference was held on November 7, 1996, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Pat Y. Crowe, Board Member; Penny Puryear Burt, RN, J.D., Of Counsel; Anthony L. Diggs, Supervising Investigator; and Korena Schaaf, Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice, hearing, and consented to the entry of this order.
2. Petitioner received a Bachelor of Science in Nursing from the University of Southwest Louisiana, Lafayette, Louisiana, in May of 1989.
3. Petitioner's professional employment history includes:

05/89 - 06/90	Staff RN
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	Our Lady of Lourdes Hospital Lafayette, Louisiana
07/90 - 04/91	Student in Nurse Anesthesia Program Baylor College of Medicine
04/91 - 11/91	Pool RN Gulf Coast Hospital Baytown, Texas
04/91 -03/92	Pool RN Southmore Hospital Pasadena, Texas
03/92 - 07/92	Student in Nurse Anesthesia Program Baylor College of Medicine
07/92 - 05/94	Staff RN Southmore Hospital Pasadena, Texas
05/94 - present	Not employed in nursing Casa Ford Baytown, Texas

4. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on May 6, 1994. A copy of the order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this order.
5. On or about September 16, 1996, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
6. Petitioner presented the following in support of his petition:
 - 6.1. Certified copies of the Probation Order (dated July 24, 1992) and Deferment of Adjudication of Guilt, Order for Deferred/Installment of Fine and Costs, and Conditions of Probation in Cause Number 636087, filed in the 183rd District Court of Harris County, Texas, indicating Petitioner's Nolo Contendere plea to the indictment of Indecency with a Child; a second degree felony.
 - 6.2. Certified copy of the Order Dismissing Cause Number 636087, Order Terminating Probation, filed with the 183rd District Court, Harris County, Texas, dated October 11, 1995.

- 6.3. Certified copies of the Complaint, dated March 15, 1993, and Consent Agreement, dated May 25, 1993, issued by the Louisiana State Board of Nursing, New Orleans, Louisiana.
- 6.4. Letter of support, not dated, from Jennifer Armstrong, PhD, Baylor College of Medicine, Department of Psychiatry, Houston, Texas. Dr. Armstrong indicates she had been a co-therapist of Petitioner's since September 1995. It is her opinion that Petitioner does not appear to be at a significant risk for re-offending and recommends Petitioner for nurse licensure.
- 6.5. Letter of support, dated September 9, 1996, from Al Paret, President, Casa Ford, Baytown, Texas.
- 6.6. Letter of support, dated September 9, 1996, from Ken Johnson, General Sales Manager, Casa Ford, Baytown, Texas.
- 6.7. Letter of support, dated August 30, 1996, from Reverend E. Reg Madison, Minister of Music, Memorial Baptist Church, Baytown, Texas.
- 6.8. Letter of support, dated September 5, 1996, from Lee F. Burrows, Attorney at Law, Houston, Texas.
- 6.9. Letter of support, dated September 5, 1996, from Paulette Suzanne Server, RN.
- 6.10. Letter of support, dated August 27, 1996, from Petitioner's mother, Mrs. Sidney Guidry.
- 6.11. Letter of support, dated September 4, 1996, from Michael D. Cox, PhD, Associate Professor and Director, Clinical Psychology Training Program, Director, Sexual Abuse Treatment Program, Baylor College of Medicine, Houston, Texas.
- 6.12. Verification of successful completion of the continuing education requirements.
- 6.13. Letter, dated November 5, 1996, from Michael D. Cox, Ph.D., indicating that a psychological evaluation was conducted on Petitioner in April and May of 1991. Dr. Cox indicates that Petitioner still receives therapeutic services on a follow-up basis since his completion of the active phase of their Sexual Abuse Treatment Program at Baylor College of Medicine. Dr. Cox also indicates that Petitioner was treated with antidepressant medication in the past.

7. At the request of the Board, Petitioner submitted to a forensic psychiatric evaluation which was conducted on March 31, 1997, by Milton Altschuler, MD, F.A.P.A., P.A., Houston, Texas. Dr. Altschuler subsequently submitted the results of the testing to the Board for consideration. Dr. Altschuler's findings state in part:

. . . (Petitioner's) primary psychiatric problem deals with a personality disorder with histrionic, disassociative and passive-aggressive elements. Under stress, there is a mild decompensation of his normal defenses. . . . (a portion of the Petitioner's psychiatric testing) indicated only a superficial self-awareness of his actions and the consequences of his actions. He has a low tolerance for frustration, which had led to the sexual acting-out. He is easily frustrated and seeks attention and approval. . . . Under stress, there is a mild decompensation of his normal defenses. This had led to sexual acting-out of various kinds. . . . There has been no element of hurtful or destructive fantasies throughout. His primary approach on a direct level has been that of exhibitionism. . . . Since 1991 he has engaged in individual and group psychotherapy with Michael Cox, Ph.D., and Baylor College of Medicine in the Sexual Abuse Clinic. . . . He has obtained fair insight into the precipitants of his sexual acting-out, and has appeared to have them under good control at this time. The primary issue deals with his avoidance of continued stress, which can possibly re-precipitate the sexual acting-out. This would have to be stress that is sustained over a long period of time without recognition of his work. . . . I do not feel that (Petitioner) is at risk of danger to patients he may see in a hospital setting. Nor do I believe that his working in a hospital setting would incur the stress necessary to re-precipitate the sexual acting-out. . . . On the whole, (Petitioner) has been operating quite well, with no destructive impulsive behavior since 1992.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board has jurisdiction over this matter.
2. Pursuant to Article 4525(c)(2), Revised Civil Statutes of Texas, as amended, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

AGREED CONDITIONS OF REINSTATEMENT

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the Petition of JOEY GERARD GUIDRY, license number 560997, be and the same is hereby DENIED, with the denial PROBATED FOR SO LONG AS PETITIONER complies in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and the following conditions:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has obtained, read, discussed with his therapist and certified to the Board that he understands:

(A) The Report of the National Council of State Boards of Nursing (NCSBN) Sexual Misconduct Task Force published August 1996.

(B) Board Rule §213.27 on Good Professional Character.

(C) Board Rule §217.11 on Minimum Standards of Professional Nursing.

(D) Board Rule §217.13 on Unprofessional Conduct.

(2) PETITIONER SHALL pay all re-registration fees and be issued an encumbered license subject to the following conditions:

(3) PETITIONER SHALL NOT engaged in any sexual conduct prohibited by the penal law of any state or the generally accepted standards and boundaries of professional nursing.

(4) PETITIONER SHALL NOT seek or accept employment or practice in any setting other than a hospital or equivalent institution.

(5) PETITIONER SHALL NOT provide nursing care to any patient or client who is younger than eighteen (18) years of age.

(6) PETITIONER SHALL notify all potential employers in professional nursing of this order of the Board and the probation conditions on PETITIONER's license. PETITIONER SHALL present a copy of this order to each potential employer prior to employment.

(7) PETITIONER SHALL CAUSE each potential employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

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

(9) For the remainder of the stipulation period PETITIONER 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 PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency or home health agency. PETITIONER SHALL NOT be self employed or contract for services. Multiple employers are prohibited.

(10) PETITIONER SHALL NOT work on the night shift.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the registered nurse who supervises the PETITIONER. These reports shall be submitted to the office of the Board at the end of each three (3) months throughout the period of probation.

(12) PETITIONER SHALL continue to participate in therapy with Dr. Michael Cox, Ph.D., or his designee. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, about PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every six (6) months for the duration of the period of probation.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, throughout five (5) consecutive years of full-time nursing practice, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

PETITIONER'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 have completed the requirements of condition #1. By my signature on this order, I agree to the Findings of Fact, Conclusions of Law, Conditions of Probation, and any other conditions on my license to practice professional nursing in Texas. I waive judicial review of this order. I understand that this order is subject to ratification by the Board. When the order is ratified, the terms of this order become effective, and a copy will be mailed to me. I understand that I must complete all pre-licensure conditions and be issued a license to practice professional nursing before I accept employment or practice as a registered nurse for compensation.

Signed this 28 day of May, 1997.

Joey Gerard Guidry
JOEY GERARD GUIDRY

Sworn to and subscribed before me this 28 day of May, 1997.



[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 28th day of May, 1997, by JOEY GERARD GUIDRY, license number 560997, and said order is final.

Effective this 17th day of June, 1997.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 560997 issued to §
JOEY GERARD GUIDRY §

ORDER OF THE BOARD

To: Joey Gerarad Guidry
10905 Pecan Drive
La Porte, Texas 77571

The Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 560997, issued to JOEY GERARD GUIDRY. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That JOEY GERARD GUIDRY is currently licensed to practice professional nursing in the State of Texas.
2. That JOEY GERARD GUIDRY submitted a notarized statement and professional nurse license number 560997 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.
2. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 560997, heretofore issued to JOEY GERARD GUIDRY to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. JOEY GERARD GUIDRY shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Entered this 6th day of May, 1994.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:


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