



Your primary diagnosis is opioid use disorder, severe, in sustained remission based on your self-report. However, the polygraph examination results, which focused generally on illegal drug/prescription medication use since 1/3/2019, indicated deception. Additionally, the possibility of an alcohol use disorder in the past also warrants at least consideration given your misuse of this substance while in college. Even at present your ongoing alcohol use, even if not substantial, is at least of note, given your serious history of substance use difficulties more generally, and the impact such have had on your nursing career. You likely also met criteria for stimulant use disorder during the time period that you were using these substances (primarily methamphetamine ), but such is no longer the case.

Further, it is the opinion of Dr. Proctor that there is a moderate likelihood that you will again engage in behavior of the type that led to your current situation with the Board of Nursing. Indeed, you were caught misusing medications while working as a nurse in Louisiana and moved to practice in Texas as a result. Even with this being the case, you then misused medication while working as a nurse in Texas and were again caught doing so. Regarding whether you pose any danger to the community, such appears mostly related to whether you are abusing substances, particularly opioids. Indeed, you certainly posed a danger to the community when you previously practiced as a nurse while high on opioids. Diverting narcotic pain medication meant for patients with serious ailments to yourself also posed a danger to the community.

Finally, Dr. Proctor would at present place the level of danger you pose to the community if practicing nursing as moderate and opines that that there is a moderate likelihood that you would be able to consistently behave in accordance with the requirements of Board Rules 213.27-213.29 as well as the minimum nursing standards set forth in Board Rule 217.11 and consistently avoid behaviors identified by the Board as constituting unprofessional conduct.

On or about May 11, 2021, you disclosed to the Eligibility and Disciplinary Committee that you continue to drink alcohol.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

- §301.452(b) (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;"

The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27. The Board has also adopted a rule, located at 22 Tex. Admin. Code §213.29, regarding fitness to practice. You have failed to provide sufficient evidence of current fitness to practice based upon the criteria set forth in this rule.

Texas Occupations Code Chapter 301, as well as the Board's rules, 22 Tex. Admin. Code §213.27; §213.29-§213.33, and the Board's Disciplinary Sanction Policies are hereby incorporated by reference herein and may be located on the Board's website at [www.bon.texas.gov](http://www.bon.texas.gov).

Jordan Legrand  
May 19, 2021  
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You will not be allowed to petition for reinstatement until:

- At least one (1) year has elapsed from the date of this denial;
- You can demonstrate twelve (12) consecutive months of objective, verifiable proof of sobriety immediately preceding the petition, including abstinence from alcohol; and
- You have satisfied any conditions outlined in your order and any requirements required by law at the time of your petition.

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Office of General Counsel, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. Your written request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Further, should the decision to deny your licensure be upheld by the State Office of Administrative Hearings, you will be entitled to judicial review by filing an action in the district court of Travis County, Texas. A petition for such an action must be filed not later than the 30<sup>th</sup> day after the date the licensing authority's decision is final and appealable.

If you have any questions, please contact Enforcement at (512) 305-6838.

Sincerely,



Katherine A. Thomas, MN, RN, FAAN  
Executive Director

KAT/230

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