

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	
THOM MARTIN WALZ	§	ORDER OF
PETITIONER for Eligibility for	§	CONDITIONAL ELIGIBILITY
Licensure	§	

On the date entered below, the Board of Nurse Examiners considered the Petition for Declaratory Order and supporting documents filed by THOM MARTIN WALZ, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein, and makes the following Findings of Fact and Conclusions of Law.

PETITIONER waived representation by counsel, notice and hearing and agreed to the entry of this Order offered on June 2, 2000, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On October 9, 1999, Petitioner submitted a Petition for Declaratory Order in compliance with Article 4519a, Section 1(a), Texas Revised Civil Statutes, Annotated, as amended.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner is currently enrolled in a Baccalaureate Degree in Nursing Program at The University of Texas Health Science Center at San Antonio, San Antonio, Texas, with an anticipated graduation date of May 2000.
4. Petitioner provided a "yes" answer to the inquiry authorized by Rule 213.29(b)(1)&(2) at 22 Texas Administrative Code. Question Number 10 reads: *"Have you been diagnosed with, treated or hospitalized in the past five (5) years for schizophrenia or other psychotic disorders, major depression, bipolar disorder, paranoid personality disorder, antisocial personality disorder or borderline personality disorders?"*

5. On June 9, 1999, Petitioner was instructed to undergo a forensic psychological evaluation.
7. On or about April 27, 2000, Petitioner completed a forensic psychological evaluation performed by Cynthia L. Hoyler, MD, Psychiatry. Dr. Hoyler concluded: "...I find no information to suggest that Mr. Walz will have difficulty in his role as a professional nurse and no reason that he should not pursue licensure..."
8. The Board received letters of support/recommendation for Petitioner from the following:
 - A letter of support, dated November 3, 1998, from Cheryl L. Hayes, MSN, RN, Instructor/Clinical, The University of Texas Health Science Center at San Antonio, San Antonio, Texas.
 - A letter, from Willie Hayek, RN, MSN, Assistant Professor, Coordinator of Nursing Skills, The University of Texas Health Science Center at San Antonio, San Antonio, Texas.
9. The Board considered evidence of Petitioner's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code.
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 roles under demanding and stressful conditions.
11. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Petitioner does not currently pose a direct threat to the health and safety of patients or the public.
12. Staff's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
12. Petitioner has sworn that his past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
13. Petitioner 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.
14. The Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted a petition in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner 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.
4. The Board of Nurse Examiners may license an individual who has presented an evaluation substantiating current fitness if, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines there is no direct threat to the health and safety of patients or the public.

ORDER

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

IT IS FURTHER ORDERED that PETITIONER 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 PETITIONER, 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 PETITIONER SHALL be subject to the following stipulation(s).

(1) PETITIONER SHALL, within one (1) year of initial licensure, successfully complete a course in nursing jurisprudence. PETITIONER 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. PETITIONER 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 PETITIONER'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 ORDERED that upon full compliance with the terms of this Order, PETITIONER shall be issued an unencumbered license to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATE

I am the Petitioner 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 Petition for Declaratory Order, 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 petition, 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 29th day of JUNE, 2000.

Thom M Walz

THOM MARTIN WALZ, PETITIONER

Sworn to and subscribed before me this 29th day of JUNE, 2000.

SEAL

Kris O'Dell


KRIS O'DELL

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 29th day of June, 2000, by THOM MARTIN WALZ, PETITIONER, for Petition for Declaratory Order, and said Order is final.

Entered this 5th day of July, 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 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code