

7. On or about July 26, 2001, Respondent submitted an Application for Licensure by Examination to the Board of Nurse Examiners, in which she answered "No" to the following question, "Have you ever been convicted of a misdemeanor other than a minor traffic violation?" Information has been received by the Board indicating that on October 6, 1999, Respondent was convicted of the offense ISSUANCE OF A BAD CHECK (a Class B Misdemeanor committed May 19, 1999), under Cause Number 2-72,020, in the County Court at Law #2 of Victoria County, Texas.
8. On or about August 28, 2003, Respondent plead "Guilty" and was "Convicted" of the offense DRIVING WHILE INTOXICATED (a Class B Misdemeanor committed August 8, 2003), under Cause Number 2-80,478, in the County Court at Law #2 of Victoria County, Texas. As a result of the plea, Respondent was placed under COMMUNITY SUPERVISION for a period of one (1) year and ordered to pay a fine in the amount of five hundred dollars (\$500.00).
9. On or about September 15, 2003, Respondents plead "Guilty" to UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE IN PENALTY GROUP 1 (a State Jail Felony committed August 8, 2003), under Cause Number 03-12-20,556-D, in the 377th Judicial District Court of Victoria County, Texas. As a result of the plea, Respondent was placed under order of DEFERRED ADJUDICATION, and placed on Community Supervision for a period of three (3) years, and ordered to pay a fine in the amount of one thousand five-hundred dollars (\$1500.00).
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 Findings of Fact Numbers Eight (8) and Nine (9) was significantly influenced by Respondent's chemical dependency.
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 302.402(a)(2), (3)(B), & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(28), (29)(iii)(iv).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 181966, heretofore issued to LORI MICHELLE AMSLER, including revocation of Respondent's vocational 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 three hundred-fifty dollars (\$350) payable to TPAPN.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

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

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

(6) IT IS FURTHER AGREED, SHOULD RESPONDENT'S probation or community supervision be revoked or modified due to non-compliance for the offenses as outlined in Findings of Fact Numbers EIGHT (8) and NINE (9), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

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 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 vocational 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 vocational nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

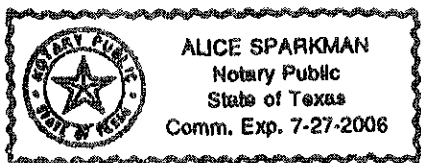
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Six (6) 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of April, 2006.

Lori Michelle Amstler
LORI MICHELLE AMSLER, Respondent

Sworn to and subscribed before me this 18 day of April, 2006.


SEAL



Alice Sparkman
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 18th day of April, 2006, by LORIMICHELLE AMSLER, Vocational Nurse License Number 181966, and said Order is final.

Entered and effective this 21st day of April, 2006.



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