May 21, 20xx

Mr., Investigator **Via Fax: 512-305-6870**

Enforcement Department

Texas Board of Nursing

333 Guadalupe Street, Ste 3-460

Austin, TX 78701

Mr.

Office of Legal Counsel

Texas Board of Nursing

333 Guadalupe Street, Ste 3-460

Austin, TX 78701

Re: DW

Dear:

This letter is meant to start discussions regarding the Proposed Order sent to Ms.DW. I am attaching here the first and final responses (without attachments) that were sent in May and July of 20xx outlining our response and perspective on all of these issues. We are including with this letter new attachments, character letters from current colleagues and persons who are attesting to DW’s fine work in the community and excellent clinical skills as a nurse.

In our July response we mentioned the Grant she had written applying for monies that would support the community based non profit that D and her brother currently run. Pray for You Inc.  was unsuccessful in receiving the grant at that time.  The organization however is still functioning and has been helping the homeless in the community since 19xx.  Usually these clients have mental health/substance abuse issues and some are HIV positive.  Pray for You makes referrals to mental health centers, partial hospitalization programs, detox, recovery centers and places the homeless in temporary or permanent housing.  This year they opened up an assisted living center called Its Time.  It has been operational for 9 months and is serving seven individuals who were homeless with mental health issues.  These individuals receive medication management, food, shelter, clothing and daily group therapy.

We maintain that D’s past mistakes were very remote in time, and that it is unfair to re-visit issues that were confronted at the time. D paid her restitution, fines, and learned her lessons well. For the board to move forward on Finding of fact # 17 involving not reporting a forgery that occurred sixteen years earlier seems draconian in light of the fact that there has been no further criminal conduct whatsoever. Additionally, none of her past problems involve patient care issues with the exception of the 19xx check, certainly one must be able to live beyond one act that occurred nineteen years in the past.

With regards to Finding of Fact # 10, the suspension of the X State License by the X State Board was vacated by Order of the Board dated 11/20/19xx, and which you have in the BON files, as I received a copy of that order from you.

The more recent investigation into the issue involving the night shift nurse leaving his post prior to D’s reporting for duty was investigated by the employer, and D was found to have been a witness to the event, not a conspirator. The Findings of Fact #’s 19 and 20 in the Proposed Order do not effectively set out what happened:

The person that worked nights would sometimes leave before his shift was completed. D would show up at the home, get report from the mother who told her that the other nurse had left a short time earlier. D did not report this nurse, but did document the facts, that she received report from the mom, and she made verbal reports to this effect as well. She cooperated with the investigation done by the employer, took a course and attended an in-service at the request of that employer. She was not terminated, and in fact still works for this employer, and cares for the same child that was the subject patient in this incident. She complied with the coursework and in-service willingly with no complaint, although she maintains that she documented whenever she received report from the mother involved, and reported this to her supervisors in verbal reports.

D works in the community, she delivers care to those who need assistance and who don’t have resources to seek assistance. Her nursing practice is fueled with empathy for those less fortunate, and she must be able to function as an independent person delivering care and administering to the needs of her patients and their families.

Again, we request that these allegations be re-visited, and that the Proposed Order stand as to the fine and courses required, but that the restrictions as to work environment, the supervision, and employer reporting portions be removed. If the Board feels that they cannot agree to this, then we request an informal conference be arranged so that the Board may communicate face to face with DW. We will also request that witnesses be able to appear on her behalf at that time.

Please call me at xxx-xxx-xxxx anytime should you have any questions.

Very truly yours,