BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§
License Number 550288	§
issued to DEAN ROY DAAKE	§

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 550288, issued to DEAN ROY DAAKE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Diploma in Nursing from Bryan Memorial Hospital School of Nursing, Lincoln, Nebraska, on September 1, 1970. Respondent was licensed to practice professional nursing in the State of Texas on January 24, 1989.

4. Respondent's professional nursing employment history includes:

January 1989 - July 1992	Unknown
August 1992 - September 1993	Wound and Ostomy Nurse Santa Rosa Children's Hospital San Antonio, Texas

Respondent's professional nursing employment history (continued):

October 1993 - December 1994	Nurse Manager Curative Technologies, Inc. East Setauket, New York
January 1995 - November 1995	Wound and Ostomy Nurse Brooke Army Medical Center Ft. Sam Houston, Texas
November 1995 - March 1996	Home Health Nurse Team Texas Home Health Service San Antonio, Texas
April 1996 - April 2002	Wound and Ostomy Specialist University Hospital San Antonio, Texas
May 2002	Not employed in Nursing
June 2002 - July 2002	Staff Nurse Brooke Army Medical Center Ft. Sam Houston, Texas
August 2002 - April 2003	Director, Wound/Ostomy Service Brooke Army Medical Center Ft. Sam Houston, Texas
May 2003 - December 2003	Not employed in Nursing
January 2004 - March 2004	Wound and Ostomy Nurse Christus Santa Rosa Health Care San Antonio, Texas
April 2004 - May 2004	Wound and Ostomy Nurse South East Baptist Hospital San Antonio, Texas
June 2004 - February 2005	Not employed in Nursing
March 2005 - January 2007	Staff Nurse Mission Vista Hospital San Antonio, Texas

Respondent's professional nursing employment history (continued):

February 2007 - December 2009	Staff Nurse Laurel Ridge Treatment Center San Antonio, Texas

5. On or about September 8, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which he answered "Yes" to the question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

6. In response to Finding of Fact Number Five (5), Respondent states that he became addicted to prescription Vicodin after being on the drug for three years. He volunteered to enter a treatment center to get off the drug. He was admitted to Audie Murphy Veteran's Hospital on May 13, 2009, for detox for five days. He was then admitted to a 28 day inpatient program, Substance Abuse Residential Rehabilitation Treatment Program (SARRTP). The dates of the program ran from May 29, 2009, to June 17, 2009. He further states that he misunderstood the directions concerning after care and attending group meetings. He thought after care was an option for those that needed more support than the 28-day program offered. His sobriety date is May 14, 2009. Every day he reads a portion of Narcotics Anonymous and Alcoholics Anonymous. This is his plan for relapse prevention. He also reads material he obtained while he was in the 28-day program. He remains under the care of a psychiatrist.

7. On or about November 28, 2009, while employed at Laurel Ridge Treatment Center, San Antonio, Texas, Respondent lacked fitness to practice professional nursing, in that he appeared confused, disoriented, he had slurred speech, a stumbling gait and was found asleep in the dayroom while on duty. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. In response to Finding of Fact Number Seven (7), Respondent states that he did fall asleep while serving as night charge nurse on November 28, 2009. He was working the 2nd night of 3 nights of duty on a chemical detox/rehabilitation unit. On or about 0345 hours, he took a 30 minute break from his duties to sit in the dayroom in a soft chair under dim lights. The nurses' station is part of an extension of the dayroom. Therefore, he was within sight and hearing at all times for the LVN and nursing assistant who were maintaining patient care while he took his break. He fell asleep. The next thing he remembered was the nursing supervisor waking him up. He exhibited fairly predictable behavior after one is suddenly awakened in a strange environment. He was momentarily disoriented, confused and when he jumped up, he was unstable on his feet. No drugs or alcohol was involved. This incident occurred over a 20 minute period. In 39 years of professional nursing, this is the first time he ever fell asleep on duty. He was having

some personal/family problems at home and could not obtain more than 3 hours of sleep during the day of the night incident. He was extremely upset at himself and embarrassed. He knew that sleeping on duty was a cause for immediate dismissal.

9. On April 12, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the statement dated April 12, 2010, is attached and incorporated, by reference, as part of this Order.

10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

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.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(9)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 550288, heretofore issued to DEAN ROY DAAKE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 25th day of May, 2010.

TEXAS BOARD OF NURSING

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

April 12, 2010

Texas Board of Nursing
Attn: Bonnie Krznarich
333 Guadalupe Street, Ste. 3-460
Austin, Texas 78701

Dear Ms. Krznarich:

I voluntarily surrender my license to practice professional nursing in the state of Texas. My license number is 550288. The effective date of my surrender is Monday, April 12, 2010.

Sincerely,

Dean Daake

Dean Roy Daake
4806 Legend Well Dr.
San Antonio, Texas 78247

State of Texas
County of Bexar
Sworn to and subscribed to me on the 12
day of April 2010
Dean Daake

Lana Susen
Notary Public

LANA S. SUSEN
Notary Public, State of Texas
My Commission expires
December 2, 2012