



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.
Patricia P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 197137 §
issued to DAWN LYNN HENRY § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 197137, issued to DAWN LYNN HENRY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas on December 17, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on January 27, 2005.
5. Respondent's vocational nursing employment history includes:

01/05 - 07/06 Unknown

Respondent's vocational nursing employment history continued:

08/06 - 10/06 LVN Lakeside Rehabilitation and Care Center
Lubbock, Texas

11/06 - Present Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Lakeside Rehabilitation and Care Center, Lubbock, Texas, and had been in this position for two (2) months.
7. On or about October 24, 2006, while employed with Lakeside Rehabilitation and Care Center, Lubbock, Texas, Respondent misappropriated Hydrocodone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation in that she removed Hydrocodone for patients from the facility medication dispensing system prior to her shift and also pre-pulled Hydrocodone for patients one (1) to two (2) hours before they were scheduled to receive them. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about October 24, 2006, while employed with Lakeside Rehabilitation and Care Center, Lubbock, Texas, Respondent misappropriated Phenergan and food belonging to the facility and patients thereof, or failed to prevent such misappropriation in that Phenergan and food items were found in her bag. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications and food.
9. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states that she did deliver Hydrocodone but does not remember any occasion on which she failed to follow the policies and/or procedures governing the administration of this medication. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states that she found Phenergan that had been left in a public place. She states that she was in the process of delivering medication to a patient and didn't want to interrupt that in order to properly store the Phenergan. She states that she placed the Phenergan in her bag and had every intention of retrieving the Phenergan and properly storing it by the time her shift ended. Regarding the food, Respondent states that during her orientation she was informed by members of the nursing staff that once the snacks had been passed out to the patients that, rather than throwing out the leftovers, the staff could have them. She states that like other staff, she too consumed some of the leftover milk, juice and food. She was unaware of a policy contrary to this common practice.
10. On April 13, 2010, Respondent submitted a letter to the Board in which she states her desire to voluntarily surrender her nursing license due to being diagnosed with mental health issues that prevent her from being able to work as a nurse.

11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
12. 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.
13. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 197137, heretofore issued to DAWN LYNN HENRY, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 197137, heretofore issued to DAWN LYNN HENRY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to DAWN LYNN HENRY, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "RN"/"LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

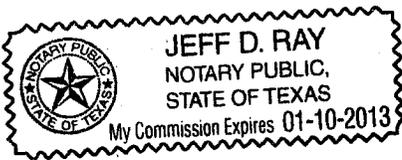
Signed this 30 day of April, 20 10.

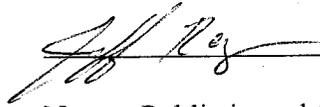


DAWN LYNN HENRY, Respondent

Sworn to and subscribed before me this 30 day of April, 20 10.

SEAL





Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 197137, previously issued to DAWN LYNN HENRY.

Effective this 6th day of May, 2010.



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

