BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§
License Number 179243	§
issued to DENISE DIANN CLEAVER	§

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 Vocational Nurse License Number 179243, issued to DENISE DIANN CLEAVER, 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 vocational nursing in the State of Texas.

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

3. Respondent received a Certificate in Nursing from Texas State Technical College Breckenridge, Breckenridge, Texas on December 15, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001.

4. Respondent's complete vocational nursing employment history is unknown.

5. On or about November 29, 2006, the Texas Board of Nursing notified Respondent of the following allegations:

   - On or about March 18, 2006, while employed as a Licensed Vocational Nurse with TriStar Homecare, Cisco, Texas, and assigned to provide nursing care/services for Patient PW, Respondent misappropriated Lortab tablets belonging to the patient.

- On or about September 1, 2006, while employed as a Licensed Vocational Nurse with TriStar Homecare, Cisco, Texas, and assigned to provide nursing care/services for Patient LG, Respondent misappropriated pain pills belonging to the patient.

6. On or about June 23, 2007, the Texas Board of Nursing notified Respondent of the following allegation:

   - On or about June 15, 2007, while employed as a Licensed Vocational Nurse with Ranger Care Center, Ranger, Texas, Respondent borrowed money from an Eastland Health Care Center, Eastland, Texas, resident, and subsequent to June 15, 2007, Respondent has refused to repay the money to the resident.

7. On or about November 20, 2007 and November 21, 2007, the Texas Board of Nursing notified Respondent of the following allegations:

   - On or about November 13, 2007, Respondent misappropriated twenty-nine (29) Hydrocodone 7.5/500 and one (1) Trazodone 150mg belonging to Ranger Care Center Client NT.

   - On or about September 8, 2007, while employed as a Licensed Vocational Nurse with Ranger Care Center, Ranger, Texas, Respondent misappropriated thirty (30) Hydrocodone 7.5/500 belonging to Ranger Care Center Client NT, or Respondent failed to take precautions to prevent the misappropriation of the same thirty (30) Hydrocodone 7.5/500.

8. On December 16, 2009, the Texas Board of Nursing notified Respondent of the following allegation:

   - On or about August 26, 2009, Respondent plead guilty to the Offense of FRAUD POSS CS/PRESCRIPTION SCH III/IV, a third Degree Felony, in the 91st District Court Eastland, Texas. Subsequently, Respondent received deferred adjudication and was sentenced to four (4) years probation, assessed a fine and court costs. Additionally, on or about October 22, 2009, Respondent was arrested by the Eastland Police Department and charged with the Offense of POSS CS PG 3<28G, a Class A Misdemeanor.

9. On January 4, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated December 29, 2009, is attached and incorporated herein 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)(3),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A)&(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(D)(G),(10)(E),(11)(B)&(13).

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 Vocational Nurse License Number 179243, heretofore issued to DENISE DIANN CLEAVER, to practice vocational 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:

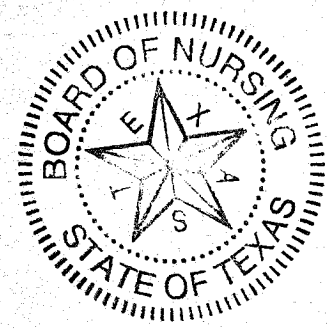
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during 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.

3. 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 vocational nursing in compact states.

Effective this 7th day of January, 2010.



TEXAS BOARD OF NURSING

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

Denise Diann Cleaver
P.O. Box 604
Eastland, Texas 76448
Texas LVN License #179243

Voluntary Surrender Statement

December 16, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Denise Cleaver

Date 12-29-09

Texas Nursing License Number/s 179243

The State of Texas

Before me, the undersigned authority, on this date personally appeared Denise Diann Cleaver who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 29th day of December, 2009.

SEAL

SANDY CAGLE
Notary Public
STATE OF TEXAS
My Comm. Exp. 10/11/2010

Sandy Cagle 10/11/2010
Notary Public in and for the State of Texas