

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 82748  
ISSUED TO  
DONNA SUE DEAVER

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§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia R. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: DONNA SUE DEAVER  
P.O. BOX 545  
VAN ALSTYNE, TX 75495

During open meeting held in Austin, Texas, on December 8, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN.CODE § 213.16(j)). All parties have a right to judicial review of this Order.

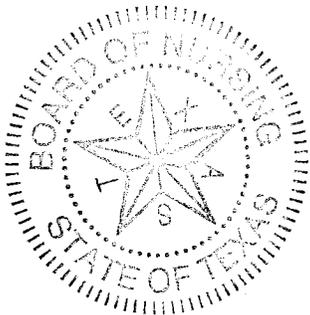
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 82748, previously issued to DONNA SUE DEEVER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 82748, previously issued to DONNA SUE DEEVER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 8th day of December, 2009.



TEXAS BOARD OF NURSING  
FOR THE STATE OF TEXAS

*Katherine A. Thomas*

BY: \_\_\_\_\_

KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 82748  
Issued to DONNA SUE DEEVER  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>TH</sup> day of December, 2009, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

DONNA SUE DEEVER  
P.O. BOX 545  
VAN ALSTYNE, TX 75495

BY:



\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 82748, Issued to** §  
**DONNA SUE DEEVER, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA SUE DEEVER, is a Vocational Nurse holding license number 82748, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

On or about December 15, 2008, Respondent failed to comply with the Agreed Order issued to her on July 17, 2008, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

(2) Respondent shall pay a monetary fine in the amount of one thousand, five hundred dollars (\$1500.00) within one hundred thirty-five (135) days of entry of this Order....

A copy of the July 17, 2008, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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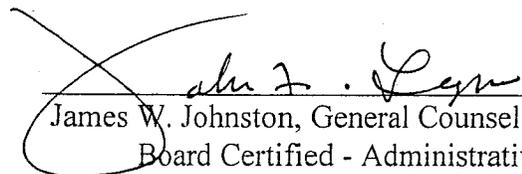
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice vocational nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated July 17, 2008.

Filed this 15<sup>th</sup> day of October, 2009.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512) 305-7401

Attachments: Agreed Order dated July 17, 2008.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §     AGREED  
License Number 82748                           §  
issued to DONNA SUE DEEVER               §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DONNA SUE DEEVER, Vocational Nurse License Number 82748, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 6, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Grayson County College, Denison, Texas, on September 3, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979.
5. Respondent's vocational nursing employment history includes:
 

1979 - 12/81	Unknown
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Respondent's vocational employment history continued:

1/82 - 4/86	Staff LVN	Wilson N. Jones Hospital Sherman, Texas
1986 - 1993	Staff LVN	Medical Plaza Hospital Sherman, Texas
5/93 - 8/01	Staff LVN	Nursefinders Agency Dallas, Texas
9/00 - 10/01	Caseworker	Family Gateway Services Dallas, Texas
11/01 - 11/02	Legal Caseworker	Child Protective Services Dallas, Texas
3/02 - 7/03	Staff LVN	The Park in Plano Plano, Texas
9/04 - 6/05	Staff LVN	The Forum Dallas, Texas
7/05 - 10/05	Staff LVN	Clyde W. Cosper Texas State Veteran's Home Bonham, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff LVN with Clyde W. Cosper State Veterans Home, Bonham Texas, and had been in this position for three (3) months.
7. On or about October 21, 2005, while employed with Clyde W. Cosper Veterans Home, Bonham, Texas, Respondent failed to administer medications to residents, but falsely documented the administration in the residents' Medication Record, as follows:

RESIDENT	MEDICATION NOT ADMINISTERED	MEDICATION RECORD
Resident ON	Metformin 500 mg Aggrenox SA	5:00 p.m. 10:00 p.m.
Resident MGC	Lisinopril 5 mg	10:00 p.m.
Resident MA	Prevacid 30 mg	8:00 p.m.

Resident GG	Zolof 50 mg Rantidine 150 mg Zocor 20 mg Namenda 10 mg Pentoxifylline 400 mg Metoprolol 50 mg	8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m. 5:00 p.m. 8:00 p.m.
Resident MM	Mirtazapine 15 mg Aricept 10 mg Diovan 160 mg Geodon 80 mg Benztropine 0.5 mg Seroquel 100 mg	8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m.
Resident VU	Metroprolol 25 mg	
Resident CM	Mirtazapine 15 mg Tamsulosin 0.4 mg	8:00 p.m. 8:00 p.m.
Resident RM	Simvastatin 20 mg	8:00 p.m.
Resident JR	Potassium 8 meq Amantadine 100 mg Midorine 5 mg Entacapone 200 mg Mirapex 0.125 mg	8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m.
Resident HC	Metoclopramide 5 mg	4:30 p.m.
Resident WG	Pentoxifylline 400 mg Aricept 10 mg	8:00 p.m. 8:00 p.m.
Resident HC	Memantine 10 mg Amlodipine 5 mg Donepezil 10 mg Terazosin 2 mg	8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m.
Resident JT	Oxybutynin 5 mg Simvastatin 10 mg	8:00 p.m. 8:00 p.m.
Resident EH	Tamsulosin 0.4mg Trazodone 50 mg Lorazepam 1 mg	8:00 p.m. 8:00 p.m. 5:00 p.m.
Resident DW	Memantine 10 mg	8:00 p.m.
Resident FB	Clonidine 0.1 mg Tamsulosin 0.4mg Zolof 50 mg Gemfibrozil 600 mg	8:00 p.m. 8:00 p.m. 8:00 p.m. 8:00 p.m.

Resident JW	Gabapentin 300 mg Pentoxifylline 400 mg Isosorbide Dinitrate 10 mg Carbamazepine 100 mg Simvastatin 80 mg	9:00 p.m. 9:00 p.m. 9:00 p.m. 8:00 p.m. 9:00 p.m.
Resident DC	Seroquel 25 mg Donepezil 5 mg Micro-K 8 meq	8:00 p.m. 8:00 p.m. 8:00 p.m.
Resident GY	Bupropin 75 mg	8:00 p.m.

Respondent's conduct was likely to cause injury in that it deprived the residents of the medications ordered for treatment of their medical condition and created an inaccurate medical record which subsequent caregivers would rely on to provide on-going medical care and treatments.

#### 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 violation of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (6)(A) & (H).
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 82748, heretofore issued to DONNA SUE DEEVER, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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 privilege, if any, to practice vocational nursing in compact states.

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to DONNA SUE DEEVER, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of one thousand, five hundred dollars (\$1500.00). RESPONDENT SHALL pay this fine within one hundred thirty-five (135) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall

be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
*<http://www.bon.state.tx.us/about/stipscourses.html>*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course

to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning

Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

*Information regarding this workshop may be found at the following web address:  
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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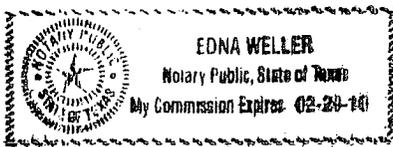
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RESPONDENT'S CERTIFICATION

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 violation 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 8<sup>th</sup> day of May, 2008.

Donna Sue Deaver  
DONNA SUE DEEVER, Respondent

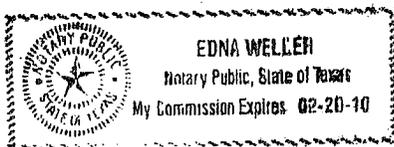


Sworn to and subscribed before me this 8<sup>th</sup> day of May, 2008.

SEAL

Edna Weller

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of May, 2008, by DONNA SUE DEEVER, Vocational Nurse License Number 82748, and said Order is final.

Effective this 17th day of July, 2008.



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