



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
License Number 130572
issued to DAWN ELAINE JOHNSON

§
§
§

REINSTATEMENT
AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 130572, hereby DAWN ELAINE JOHNSON, hereinafter referred to as Petitioner.

An informal conference was held on September 1, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Jena Abel, Assistant General Counsel; Melinda Hester, MSN, RN, Lead Practice Consultant; Bonnie Cone, MSN, RN, Nurse Consultant; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Panola Junior College, Marshall, Texas, on August 10, 1990. Petitioner was originally licensed to practice vocational nursing in the State of Texas on November 28, 1990.

4. Petitioner's vocational nursing employment history includes:

1991 - 1992	LVN	VA Medical Center Shreveport, Louisiana
1992 - 1994	LVN	Child Development Center Bossier City, Louisiana
1995 - 1996	LVN	Garland Community Hospital Garland, Texas
1996 - 1999	LVN	East Texas Physical Alliance Palestine, Texas
2000 - 2002	LVN	Alliance Health Center Grand Prairie, TX
2003 - 2004	LVN	Cuddle Me Home Care Rowlett, TX
2004 - 2006	LVN	Baylor Institute for Rehabilitation Dallas, TX
2007 - Present	Not employed in nursing	

5. On June 12, 2007, Petitioner's license to practice vocational nursing in the State of Texas was Revoked by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and June 12, 2007, Order and Proposal for Decision is attached and incorporated, by reference, as a part of this Order.

6. On or about January 26, 2009, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

7.1. Letter of support, dated January 17, 2009, written by Mandy Smith states that she has known Petitioner for over twelve (12) years and consider her to be a good friend. Ms. Smith states that Petitioner is caring and honest and a wonderful mother and wife.

- 7.2. Letter of support, dated November 21, 2008, written by Sherry Hayes states that she has known Petitioner for six (6) years and she is honest and dependable. Petitioner is a caring person, devoted wife, and wonderful mother. Ms. Hayes states that Petitioner will be an asset to the nursing profession.
- 7.3. Letter of support, dated September 17, 2008, written by Grace Smith, Children's Minister, Fellowship Forney, Forney, Texas, states that Petitioner and her family began attending Fellowship Forney Church in January 2008, and Petitioner was very involved in the church's community outreach project. Ms. Smith states that she was very impressed with Petitioner's work ethic and compassion for those in need of assistance.
- 7.4. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DAWN ELAINE JOHNSON, license number 130572, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational or professional nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to DAWN ELAINE JOHNSON, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). PETITIONER SHALL pay this fine within forty five (45) days of relicensure. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence and ethics. PETITIONER 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure.

Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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/boundaries/boundariesabout.asp>.*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) 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:

(5) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(7) PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a vocational nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER's license and PETITIONER shall be eligible for multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

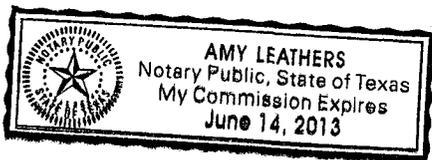
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 6 day of October, 2009.

Dawn Johnson
DAWN ELAINE JOHNSON, Petitioner

Sworn to and subscribed before me this 6 day of October, 2009.

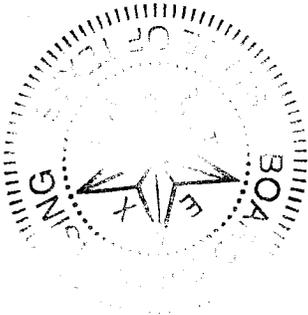
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Amy Leathers
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 6th day of October, 2009, by DAWN ELAINE JOHNSON, Vocational Nurse License Number 130572, and said Order is final.

Effective this 10th day of November, 2009.



Katherine A. Thomas

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

DOCKET NUMBER 507-07-1661

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 130572	§	OF
ISSUED TO	§	
DAWN ELAINE JOHNSON	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Dawn Elaine Johnson
9391 FM 2757
Forney, Texas 75126

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

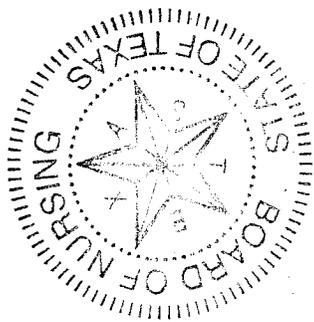
The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 130572, previously issued to DAWN ELAINE JOHNSON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 130572, previously issued to DAWN ELAINE JOHNSON, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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

Entered this 12th day of June, 2007.



BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



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

SOAH DOCKET NO. 507-07-1661

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 130572	§	OF
ISSUED TO	§	
DAWN ELAINE JOHNSON	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Texas State Board of Nurse Examiners (Staff/Board) brought this case seeking disciplinary action against Dawn Elaine Johnson (Respondent), a licensed vocational nurse (LVN), by revoking the permanent certificate issued to Respondent for violating the Nursing Practice Act (the Act), TEX. OCC. CODE ANN. ch. 301, and the Board's rules. Despite being sent proper notice, Respondent did not appear nor was she represented at the hearing. Based on Respondent's failure to appear, Staff's allegations were accepted as true. The Administrative Law Judge (ALJ) agrees with Staff's recommendation that Respondent's permanent certificate as a LVN be revoked.

I. PROCEDURAL HISTORY, NOTICE, AND JURISDICTION

On February 7, 2007, Respondent was served a Notice of Hearing that informed Respondent of the hearing, and included language that failure to appear at the hearing would result in the Board being granted a default. On March 5, 2007, a hearing on the merits was convened before ALJ Steven M. Rivas at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15th Street, Fourth Floor, Austin, Texas. Staff was represented by Victoria Cox, Assistant General Counsel, who moved for a default based on Respondent's failure to appear. Staff offered evidence establishing jurisdiction and that appropriate notice of the hearing had been provided to Respondent. The hearing was concluded and the record closed that same day.

II. RECOMMENDATION

Staff presented its expert witness, Carol Marshall, who testified regarding the appropriate sanction. Ms. Marshall stated that Respondent's misconduct posed a danger to the public, patients,

and her employers. Staff established that, for the type of misconduct Respondent committed, Board policy requires revocation of the nursing license until Respondent shows that she is fit for licensure. Also in its notice, Staff mentions that it will seek to impose on Respondent the administrative costs of the proceeding pursuant to TEX. OCC. CODE ANN. § 301.461.¹ Based upon the following findings and conclusions, and in accordance with 1 TEX. ADMIN. CODE § 155.55, the ALJ recommends that a default be entered and that Respondent's permanent certificate as a LVN be revoked.

III. FINDINGS OF FACT

1. Dawn Elaine Johnson (Respondent) is a licensed vocational nurse who holds permanent certificate number 130572, issued by the State of Texas.
2. On August 15, 2004, while employed with Cuddle Me Home Care, Rowlett, Texas, Respondent borrowed and failed to repay \$500 from the parents of a patient.
3. The staff of the Texas State Board of Nurse Examiners (Staff/Board) filed formal charges against Respondent on February 10, 2006.
4. On February 15, 2006, Staff mailed a copy of the formal charges to Respondent by certified mail, return receipt requested, to Respondent's then known address of record of 9391 FM 2757, Forney, Texas, 75126.
5. On February 7, 2007, Staff sent a notice of hearing to Respondent by certified mail, return receipt requested, to Respondent's address as described in Findings of Fact No. 4.
6. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
7. The notice of hearing contained the following language in capital letters in 12-point boldface type: "Failure to appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal

¹ At the hearing, Staff did not present evidence to establish the imposition of administrative costs; therefore, the ALJ will not address the issue in this proposal.

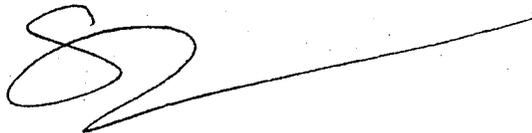
charges being admitted as true and the proposed recommendation of staff shall be granted by default.”

8. On March 5, 2007, the Administrative Law Judge convened the hearing on the merits. Staff was represented by Victoria Cox, Assistant General Counsel. Although properly notified of the hearing, as stated in Findings of Fact No.5, Respondent did not appear and was not represented at the hearing.
9. Staff's motion for default was granted, and Staff's factual allegations in the notice of hearing and formal charges were established as true.

IV. CONCLUSIONS OF LAW

1. The Texas State Board of Nurse Examiners (Board) has jurisdiction over this matter pursuant to the Nursing Practice Act (the Act), TEX. OCC. CODE ANN. § 301.453.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 and § 301.454 of the Act.
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. ch. 2001 and 22 TEX. ADMIN. CODE (TAC) §§ 213.10 and 213.22.
4. A default is authorized pursuant to 1 TAC § 155.55.
5. Based on Findings of Fact No. 2, Respondent violated § 301.452(b)(10) of the Act, and 22 TAC § 239.11(27)(L).
6. The Board is authorized to take disciplinary action against the Respondent, including revocation, pursuant to § 301.453 of the Act.
7. Pursuant to § 301.453 of the Act, Respondent's permanent certificate as a LVN in the State of Texas should be revoked.

SIGNED May 3, 2007.



STEVEN M. RIVAS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS