BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 188667	§	
issued to DAWN RICHELLE ODOM	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of DAWN RICHELLE ODOM, Vocational Nurse License Number 188667, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 20, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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 proceedings, 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 Tennessee Technology Center at Paris, Paris, Tennessee on August 29, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on April 16, 2003.

5. Respondent's nursing employment history includes:

12/2002 - 12/2004	Staff LVN	Schlesingers Geriatric Center Beaumont, Texas.

Respondent's nursing employment history (continued):

12/2004 - 03/2005	Staff LVN	Oakwood Manor Nursing Home Vidor, Texas.
03/2005 - 03/2006	Staff LVN	Professional Health Care Beaumont, Texas.
03/2006 - 04/2006	Staff LVN	Oaks @ Beaumont Nursing Rehab Beaumont, Texas.
04/2006 - 01/2007	Staff LVN	Oakwood Manor Nursing Home Vidor, Texas.
01/2007 - 05/2007	ADON	Vidor Manor Nursing Home, Inc. Vidor, Texas.
05/2007 - 12/2007	Unit Mgr.	Magnolia Manor Nursing Home Groves, Texas.
12/2007 - 06/2008	Staff LVN	Oaks @ Beaumont Nursing Rehab Beaumont, Texas.
06/2008 - Present	Staff LVN	Ramirez Internal Medicine Associates Beaumont, Texas.

6. At the time of the incident described in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse with Magnolia Manor Nursing Home, Groves, Texas, and had been in this position for two (2) months.

7. On or about December 10, 2007, while employed as a Licensed Vocational Nurse with Magnolia Manor Nursing Home, Groves, Texas, Respondent engaged in the intemperate use of Marijuana (THC), in that she produced a specimen for a drug screen which resulted positive for Marijuana (THC). Possession of Marijuana (THC) is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana (THC) by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. At the time of the incident described in Finding of Fact Number Nine (9), Respondent was employed as a vocational nurse with Ramirez Internal Medicine Associates, Beaumont, Texas and had been in this position for one (1) month.

9. On or about July 25, 2008, while employed as a Licensed Vocational Nurse with Ramirez Internal Medicine Associates, Beaumont, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a drug screen which resulted positive for alcohol. Additionally, Respondent admitted to drinking alcohol. The use of alcohol by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

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.

12. Respondent's conduct described in Findings of Fact Numbers Eight (8), Ten (10) and Twelve (12) resulted from Respondent's impairment by dependency on chemicals.

13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(10)(A).

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 188667, heretofore issued to DAWN RICHELLE ODOM, including revocation of Respondent's license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program

approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to DAWN RICHELLE ODOM, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars ($350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all

respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 9th day of Sept, 2009.

Dawn Richelle Odom

DAWN RICHELLE ODOM, Respondent

Sworn to and subscribed before me this 9th day of September, 2009.

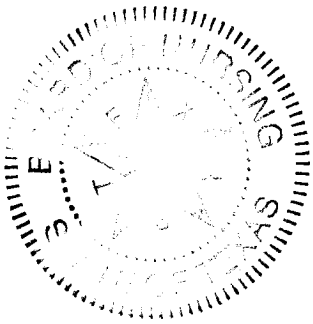
SEAL

Linda Phillips

Notary Public in and for the State of TEXAS

NOTARY PUBLIC STATE OF TEXAS
LINDA PHILLIPS
My Commission Expires
January 12, 2011

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 9th day of September, 2009, by DAWN RICHELLE ODOM, Vocational Nurse License Number 188667, and said Order is final.



Entered and effective this 17th day of September, 2009.

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