

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 715653
ISSUED TO
DONNA ROUTH COOK

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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 P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Donna Routh Cook
201 Rabern Court, Apt. #1912
Belton, Texas 76513

During open meeting held in Austin, Texas, on August 18, 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 appear as required by 22 TEX. ADMIN. CODE Ch. 213.

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 professional 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

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 for rehearing (22 TEX. ADMIN.CODE § 213.2(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 715653, previously issued to DONNA ROUTH COOK, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 715653, previously issued to DONNA ROUTH COOK, 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 professional nursing in the State of Texas.

Entered this 18th day of August, 2009.

TEXAS BOARD OF NURSING


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

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 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 Routh Cook
201 Rabern Court, Apt. #1912
Belton, Texas 76513

BY:



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

**In the Matter of Permanent License
Number 715653, Issued to
DONNA ROUTH COOK, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA ROUTH COOK, is a Registered Nurse holding license number 715653, which is in notified 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 May 28, 2008, Respondent was issued an Order to Revoke Multi-State Licensure Privilege by the North Carolina Board of Nursing based on findings including, but not limited to misappropriation of Diprivan, exhibiting impaired behavior while on duty and intemperate use of Diprivan while on duty. A copy of the Order to Revoke Multi-State Licensure Privilege of the North Carolina Board of Nursing, is attached and incorporated by reference as a part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice 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).

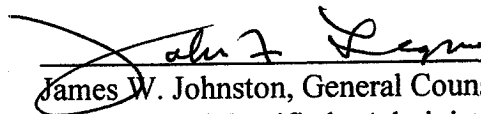
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, 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: North Carolina Board of Nursing Order to Revoke Multi-State Licensure Privilege dated May 28, 2008.

Filed this 15th day of July, 2009.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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

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

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

TEXAS BOARD OF NURSING

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

P: (512) 305-6824

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

Attachments: North Carolina Board of Nursing Order to Revoke Multi-State Licensure Privilege dated May 28, 2008.

**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

IN THE MATTER OF)	
Donna Routh Cook, RN)	ORDER TO REVOKE MULTI-STATE LICENSURE PRIVILEGE
Certificate # 715653)	

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) suspends the Multi-State Licensure Privilege of Donna Routh Cook.

- 1) Donna Routh Cook is the holder of Registered Nurse Certificate # 715653 which was issued by the state of Texas.
- 2) Ms. Cook was working at the Cape Fear Valley Medical Center in Fayetteville, North Carolina on her privilege to practice as granted through the Nurse Licensure Compact. Ms. Cook began employment in this facility on February 4, 2008 and remained employed through April 13, 2008, when she was terminated. While employed there, she was assigned to work the 7am to 7 pm shift in the ICU.

On April 13, 2008 at approximately 8:30 a.m., the lead nurse on the unit observed Ms. Cook in the ICU with a syringe attached to the tubing of a continuous Dripivan infusion. When questioned, Ms. Cook reported she was trying to get air out of the line. At approximately 1 p.m., Ms. Cook was observed with her chin down and appeared to be asleep. When the nurse called her name, she appeared startled and woke up.

At approximately 1:30 p.m., another nurse reported she observed Ms. Cook walking with an unsteady gait, swaying while walking and with slurred speech. When Ms. Cook was questioned and asked if she felt lightheaded or dizzy she denied that she did. She attributed her behavior to not feeling well, to a lack of sleep and not eating.

About the same time, the lead nurse was notified there was a discrepancy in the pyxis count for Dripivan. Ms. Cook had removed Dripivan at 11:43 a.m. and 12:47 p.m., creating the discrepancy. Both security and the house supervisor were called. When Ms. Cook was informed about the discrepancy she admitted she removed the Dripivan. The lead nurse asked Ms. Cook if they could search her bag. Ms. Cook responded, "yes and you will find two bottles of Dripivan."

- 3) Found in Ms. Cook's bag were two unopened bottles of Dripivan, 2 # 24 angiocaths, 2-3 cc syringes and 1-50 ml bag of normal saline. Ms. Cook admitted to the diversion of Dripivan for self usage. When Ms. Cook was asked why she diverted the Dripivan, her response was, "I wanted to be numb."

**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

IN THE MATTER OF)

Donna Routh Cook, RN)

Certificate # 715653)

**ORDER TO REVOKE MULTI-STATE
LICENSURE PRIVILEGE**

Diprivan is an anesthetic agent used primarily in the ICU with patients that have a secure airway or ventilator

- 4) During the investigation, it was found that approximately 1 month prior to the incident of April 13, 2008, Ms. Cook was found sitting in a patient's recliner unresponsive. Ms. Cook was coded and when she was about to be intubated she came around. She received a pacemaker within 48 hours of coding.
- 5) The investigation determined the license he has violated G.S. 90-171.37 (3) (4) (5) (6) (7) (8) and 21 NCAC 36.0217 (c) (21).
- 6) Therefore, the privilege to practice as granted through the Nurse Licensure Compact for Donna Cook is hereby **REVOKED**, and the licensee must immediately **CEASE AND DESIST** from the practice of nursing in North Carolina.
- 7) In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before a majority of the members of the Board to determine why the Board should not take further action because of the licensee's failure to comply with the probationary conditions, including imposing further discipline.
- 8) The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.
- 8) Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, Director of Discipline.
- 10) In the event the Board determines the Licensee has violated any of the conditions of this ORDER, and the Licensee disputes that such a violation of the conditions has occurred, then the Licensee agrees the Licensee must file such objection in writing with the Board **WITHIN TEN (10) BUSINESS DAYS** of the date of the notice of the violations to the Licensee. The notice to the Board shall contain with specificity the violations disputed.
- 11) When the Licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

**BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

IN THE MATTER OF)

Donna Routh Cook, RN)

Certificate # 715653)

**ORDER TO REVOKE MULTI-STATE
LICENSURE PRIVILEGE**

- 12) If the licensee is not contesting the violations contained in this ORDER, the licensee may request to appear before the Licensure Committee to petition for reinstatement of the license.
- 13) If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) working days of the date of the notice of violations to Donna Routh Cook. The notice must contain with specificity the violations being disputed.
- 14) When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.
- 15) Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.

The license will then remain suspended until the licensee requests in writing the opportunity to appear before the Licensure Committee to petition for reinstatement.
- 16) This ORDER to Suspend will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- 17) By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.
- 18) By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board.

The licensee understands that a written objection with the specific violations/charges being disputed must be received within 10 business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the probationary license was suspended/revoked.

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

IN THE MATTER OF)
Donna Routh Cook, RN) **ORDER TO REVOKE MULTI-STATE**
Certificate # 715653) **LICENSURE PRIVILEGE**

When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled

Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

- 19) The licensee must immediately submit the license to the Board. Failure to submit the license within 3 business days of this **ORDER** will result in the Board employing any and all measures to retrieve the license.
- 20) In accordance with G.S. 90-171.27(d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A Show Cause Hearing is considered a discipline action.

**FAILURE TO RETURN THE ATTACHED PAGE WITHIN 10 BUSINESS DAYS
WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE
THE VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO
WHICH THE LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.**

This the 28th day of May, 2008



Mary P. Johnson, RN, MSN, FAAN
Executive Director
North Carolina Board of Nursing