

Respondent's vocational nursing employment history (continued):

04/07 - 02/08 LVN Hendrick Medical Center
Abilene, Texas

03/08 - present Unknown

5. On or about August 31, 2006, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Order of Conditional Eligibility dated August 31, 2006 is attached and incorporated herein, by reference, as part of this Order.
6. On February 29, 2008, the Texas Board of Nursing notified Respondent of the following allegations:

On or about January 2008, while employed as a Licensed Vocational Nurse with Hendrick Medical Center, Abilene, Texas, Respondent:
 - withdrew medications from the Medication Dispensing System (Pyxis) for patients that were not under her care.
 - withdrew medications from the Medication Dispensing System (Pyxis) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records (MAR).
 - withdrew medications from the Medication Dispensing System (Pyxis), but failed to follow the facility's policy and procedures concerning wastage of any of the unused portions of the medications.
 - admitted that she misappropriated medications from the facility and patients thereof.
7. On March 19, 2009, Respondent returned License Number 207294 and submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of the notarized statement is attached and incorporated, by reference, as part of this Order.
8. 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.
9. 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4)(5),(6)(G),(10)(C)&(11)(B).
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 207294, heretofore issued to CHARLA DAWN DAVIS, 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 19th day of March, 2009.



TEXAS BOARD OF NURSING

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of	§	
CHARLA DAWN DAVIS	§	ORDER OF
PETITIONER for Eligibility for	§	CONDITIONAL ELIGIBILITY
Licensure	§	

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Applicant for Licensure by Examination and supporting documents filed by CHARLA DAWN DAVIS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452 *et seq.*, Texas Occupations Code.

A public meeting was held on June 13, 2006, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the petition of CHARLA DAWN DAVIS, PETITIONER, was considered.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Deborah Bell, CLU, ChFC; George Buchenau, Jr., BSN, RN, MBA; and Rachel Gomez, LVN. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; Kevin Freemyer, Investigator; and Angela Bradford, Legal Assistant. Sunset Committee staff observing were: Meredith Whitten, Sarah Kirkle, and Faye Richard.

FINDINGS OF FACT

1. On or about September 13, 2005, Petitioner submitted an Application for Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner received a Certificate in Vocational Nursing from Texas State Technical College, Sweetwater, Texas, in December 2005.
4. Petitioner completed the Application for Licensure by Examination and answered "yes" to Question Number Five (5), which reads in part as follows: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorders, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*
5. A letter dated December 14, 2005, was submitted to the Board on behalf of Petitioner by Jesse Singh, M.D., Abilene Psychiatric Associates, Abilene, Texas, stating that Petitioner was first seen by him on August 31, 2005. Petitioner, at that time, was diagnosed with Bipolar Type II Disorder with a current episode of Depression. Dr. Singh stated that Petitioner had been under treatment for years for depression with partial response with the medication of Paxil CR, Prozac and Zoloft.

Dr. Singh made his diagnosis of Bipolar Disorder due to Petitioner's clinical past history and a family history of Bipolar Disorder. Petitioner was placed on Symbax 6/50 mg 1 at night with marked stabilization improvement in her moods. Petitioner is currently being seen on a monthly outpatient basis. This treatment plan will continue for one (1) year followed by outpatient sessions every other month. Petitioner's current prognosis is stable and Dr. Singh believes that Petitioner can function as a nurse.

6. A letter dated May 22, 2006, was submitted to the Board on behalf of Petitioner by Robert C. Lyman, M.D., Victoria Psychiatric Associates, L.L.P., Victoria, Texas, stating that Petitioner was seen by him for evaluation on May 22, 2006. Dr. Lyman plans to meet with Petitioner on a monthly basis and anticipates that Petitioner will do well with treatment.
7. The Board received letters of support/recommendation for Petitioner from the following:
 - A letter of reference dated March 17, 2006, was submitted to the Board on behalf of Petitioner by Kara Cobb, Stamford, Texas.
 - A letter of reference dated March 18, 2006, was submitted to the Board on behalf of Petitioner by Dr. Gail G. Haterius, Mexia, Texas.
 - A letter of reference dated March 20, 2006, was submitted to the Board on behalf of Petitioner by Mac McArthur, American Cancer Society, Abilene, Texas.

- A letter of reference dated March 20, 2006, was submitted to the Board on behalf of Petitioner by Carol McKee, Stamford, Texas.
8. Petitioner presented evidence of current fitness to practice professional nursing.
 9. The safety of patients and the public requires that all persons licensed to practice nursing be fit, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
 10. The Board considered evidence of Petitioner's mental health history as provided in §213.29, 22 Texas Administrative Code.
 11. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public, provided Petitioner complies with the stipulations outlined in this Order.
 12. The Committee's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
 13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
 14. On June 13, 2006, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
 15. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Board finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Practical Nurses.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted a petition in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.

4. The Board of Nurse Examiners may license an individual who has a history of mental illness, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Petitioner does not currently pose a direct threat to the health and safety of patients or the public.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, CHARLA DAWN DAVIS, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER 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 PETITIONER's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the 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.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-PN[®], shall be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulation.

(1) PETITIONER SHALL continue to see her Psychiatrist. PETITIONER SHALL CAUSE the Psychiatrist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress, rehabilitation and capability to safely practice vocational nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for one (1) year.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER 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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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Licensure by Examination, 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 connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-PN® Examination or accepting any permit or license from the Board of Nurse Examiners.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Board of Nurse Examiners enter this Order.

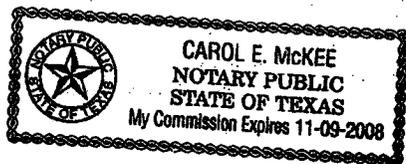
Signed this 21 day of August, 2006.

Charla Dawn Davis
CHARLA DAWN DAVIS, PETITIONER

Sworn to and subscribed before me this 21 day of August, 2006.

Carol E. McKee

SEAL



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 21st day of August, 2006, by CHARLA DAWN DAVIS, PETITIONER, for Application for Licensure by Examination, and said Order is final.

Entered this 31st day of August, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

CHARLA DAWN DAVIS
5401 Laguna, # 229
Abilene, Texas 79605
Texas LVN License #207294

Voluntary Surrender Statement

February 26, 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 Charla Dawn LVN

Date February 28, 2009

Texas Nursing License Number/s 207294

The State of Texas

Before me, the undersigned authority, on this date personally appeared CHARLA DAWN DAVIS 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 10th day of MARCH, 2009.

SEAL

Jeanie L. Mueller
Notary Public in and for the State of TEXAS

