

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	
License Number 567626	§	AGREED
issued to DAWN RENEE ELLIOTT	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAWN RENEE ELLIOTT, Registered Nurse License Number 567626, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(1)&(10), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 14, 2006, 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Diploma in Nursing from San Antonio College, San Antonio, Texas, on December 17, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.

5. Respondent's professional nursing employment history includes:

March 1991 - February 1991	Operating Room Surgical RN III Northeast Baptist Hospital San Antonio, Texas
February 1991 - April 1996	Homemaker
April 1996 - December 1998	Private RN Surgical Center San Antonio, Texas
December 1998 - May 2002	Homemaker
May 2002 - August 2002	Staff RN Fresenius Medical Cooperation Kirby, Texas
September 2002 - November 2002	Staff RN Spectrum Health Care Resources Fort Sam Houston, Texas

6. On or about May 20, 1994, Respondent was arrested for the offense of Possession of a Controlled Substance - under 28 grams, a Felony by the San Antonio Police Department, San Antonio, Texas. Respondent was sentenced to seven (7) years Deferred Adjudication probation and was scheduled to terminate on August 4, 2001. On or about March 14, 2003, Termination of Probation/Community Supervision Satisfactory was granted. Documents show the "Seven years Deferred Adjudication probation was granted on August 4, 1994, and extended until February 4, 2003, expired on February 4, 2003, and is accordingly terminated." Board records indicate this offense was never reported at the time of the incident or on a renewal form.

7. On or about May 16, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question, "Have you been convicted, adjudged guilty by a court..." Respondent disclosed the following offense:

On or about March 28, 2006, Respondent was convicted of the offense of Driving While Intoxicated, a Class B Misdemeanor, in the County Court of Law #5, Bexar County, Texas, Cause # 942304. Respondent was sentenced to six (6) months in the Bexar County Jail, with the imposition of sentence suspended, and placed on six (6) months probation, and assessed a fine in the amount of five hundred dollars (\$500.00), and court costs in the amount of five hundred sixty-eight dollars (\$568.00). On or about September 28, 2006, Termination from

Community Supervision was ordered.

8. On or about July 20, 2006, Respondent submitted a written statement related to Finding of Fact number SIX (6), in which she stated "I was placed on probation for seven years after the police found less than 1/10th of a gram of cocaine on me at a party. I complied with all the terms of my probation and was a model probationer. At the time of the arrest, I was not working as an RN and had never used drugs while working. I attended AA and CA meetings all during my deferred adjudication and still attend, even though I have been sober for 12 years."
9. On or about October 11, 2006, Respondent submitted a written statement related to Finding of Fact number SEVEN (7), in which she states: " On March 28, 2006, I had just taken my evening prescribed medication, which includes Restoril and Topamax, preparing to go to bed for the night. A friend called, saying her car had broken down, and she needed me to come pick her up and take her home. Before I reached her, the police stopped me saying I was weaving. I do not like alcohol and do not drink, even socially, but the medication made it appear that I might be intoxicated. I was arrested and charged with DWI and placed on probation for six months. Since I don't normally drive after taking my evening medication, I did not realize how quickly it could impair my driving."
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN, and 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 SIX (6) and SEVEN (7) 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 Article 4525(b)(1)&(10), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) and Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 567626, heretofore issued to DAWN RENEE ELLIOTT, including revocation of Respondent's professional 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 privileges, if any, to practice professional 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 State of Texas 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 professional nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 Board of Nurse Examiners, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

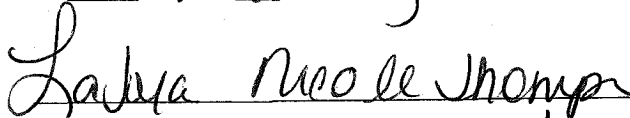
Signed this 27 day of February, 2007.



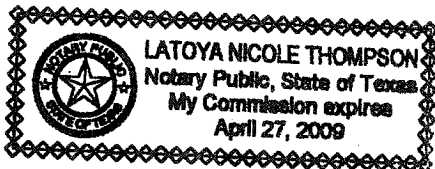
DAWN RENEE ELLIOTT, Respondent

Sworn to and subscribed before me this 27 day of February, 2007.

SEAL

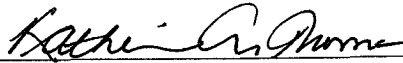


Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 27th day of February, 2007, by DAWN RENEE ELLIOTT, Registered Nurse License Number 567626, and said Order is final.

Entered and effective this 12th day of March, 2007.



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