

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 709738	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
KERRY LYNN DAVEY	§	STATE OF TEXAS

**ORDER OF THE BOARD**

TO: Kerry Lynn Davey  
2459 Wescott Road  
Colusa, CA 95932

During open meeting held in Austin, Texas, on Tuesday, September 11, 2007, 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 Board of Nurse Examiners 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 709738, previously issued to Kerry Lynn Davey, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 709738, previously issued to Kerry Lynn Davey, 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 11th day of September, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY:

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

Re: Permanent Certificate Number 709738  
Issued to Kerry Lynn Davey  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17<sup>th</sup> day of September, 2007, 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):

Kerry Lynn Davey  
2459 Wescott Road  
Colusa, CA 95932

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

**In the Matter of Permanent License** § **BEFORE THE BOARD**  
**Number 709738, Issued to** § **OF NURSE EXAMINERS**  
**KERRY LYNN DAVEY, Respondent** § **FOR THE STATE OF TEXAS**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KERRY LYNN DAVEY, is a Registered Nurse holding license number 709738, which is in current 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.**

During June 2005, while employed at Denton Regional Medical Center, Denton, Texas, Respondent withdrew medications for patients, but failed to completely and accurately document the administration of the medications in patients' Medication Administration Records (MARs) and Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and (1)(D), and 22 TEX. ADMIN. CODE §217.12(4).

#### **CHARGE II.**

On or about June 16, 2005, while employed at Denton Regional Medical Center, Denton, Texas, Respondent falsely documented the administration of Bactroban Ointment in a patient's medical record, in that the patient was discovered by a subsequent care-giver to still have a wound dressing dated June 15, 2005. Respondent's conduct above was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to assess what care should be provided to the patient.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and (1)(D) and 22 TEX. ADMIN. CODE §217.12(4) and (6)(A).

### **CHARGE III.**

On or about August 23, 2005, while employed with UT Southwestern Medical Center, Zale Lipshy University Hospital, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that Respondent displayed odd behavior and had the smell of alcohol on her person. The use of alcohol by a Registered 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E) and (5).

### **CHARGE IV.**

On or about August 23, 2005, while employed with UT Southwestern Medical Center, Zale Lipshy University Hospital, Dallas, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen for an alcohol/drug screen which resulted positive for alcohol. The use of alcohol by a Registered 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

### **CHARGE V.**

On or about February 9, 2006, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen for a drug/alcohol screen which resulted positive for Ethyl Glucuronide. The use of alcohol by a Registered 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

### **CHARGE VI.**

On or about May 8, 2006, and May 9, 2006, while employed with Healthlinx, Dallas, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent admitted to drinking alcohol while on duty. The use of alcohol by a Registered 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

### **CHARGE VII.**

On or about May 8, 2006, and May 9, 2006, while employed with Healthlinx, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that Respondent presented for duty with a bottle of "80 proof Vodka," admitted to drinking on duty, and presented for duty with the smell of alcohol on her person. The use of alcohol by a Registered 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E) and (5).

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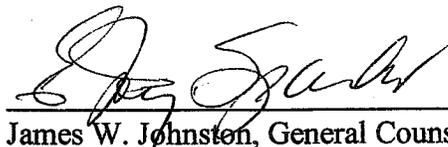
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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.bne.state.tx.us](http://www.bne.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 Chemical Dependency and Lying and Falsification which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 13<sup>th</sup> day of July, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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FOR THE STATE OF TEXAS

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