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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 199550	§	
issued to KATINA MARIE DEVAUGHN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the _ ---_, considered the matter of KATINA MARIE DEVAUGHN, Vocational Nurse License Number 199550, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, and agreed to the entry of this Order offered on September 15, 2010, 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(s).

2. Respondent waived 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 Memorial City General Hospital, Houston, Texas, on December 20, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on August 9, 2005.

5. Respondent's nursing employment history includes:

08/2005 - 04/2006	LVN	Comfort Home Health Houston, Texas

Respondent's nursing employment history continued:

05/2006 - 07/2008	LVN	Epic Home Health Houston, Texas
02/2007 - 08/2007	LVN	Texas Human Home Health Houston, Texas
06/2007 - Unknown	LVN	Central Home Health Houston, Texas

6. On or about January 18, 2005, and again on July 1, 2005, Respondent twice failed to disclose the following criminal offense history when she applied to the Board for licensure as a vocational nurse. Respondent twice answered "No" to Eligibility Question Number One (1), which asked "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations)? ..."

   On or about May 6, 1998, Respondent pled guilty to Theft, a Class A Misdemeanor offense which occurred August 28, 1996, through August 23, 1997, in the 232 District Court of Harris County, Texas, Cause No. 776922. As a result of the pleading, Respondent was sentenced to pay a fine in the amount of three hundred dollars ($300.00) and to serve six (6) months disqualification for food stamps.

   Respondent's conduct may have affected the Board's decision regarding her licensure.

7. In response to the incident in the Finding of Fact Number Six (6), Respondent states that she had sought Welfare assistance to provide for herself and her children. After she obtained employment, she failed to disclose her employment in a timely manner. Respondent states that during the investigation, it was explained that she must repay the funds received from the time she was employed. "I paid the fine and to my knowledge did not have a criminal record." Upon completion of nursing courses, Respondent contacted the Board of Nursing and was instructed to obtain a Criminal Background Check from the Department of Public Safety, which, when obtained, indicated "NON-FOUND". Respondent asserts that a representative from the Board of Nursing instructed her to check "no" on her application for licensure because the Criminal Background Check was negative. Respondent states that she was unaware of the criminal conviction until being notified by the Board of Nursing and did not deliberately fail to disclose the conviction. Respondent further states that she took full responsibility, paid the fine, and that her attorney at the time did not inform her that she would have a criminal record.

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 violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).

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 199550, heretofore issued to KATINA MARIE DEVAUGHN, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board

approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of five-hundred ($500.00). RESPONDENT SHALL pay this fine within forty-five (45)days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22nd day of December, 2010.

KATINA MARIE DEVAUGHN, Respondent

Sworn to and subscribed before me this 22nd day of December, 2010.

SEAL

Notary Public in and for the State of Texas

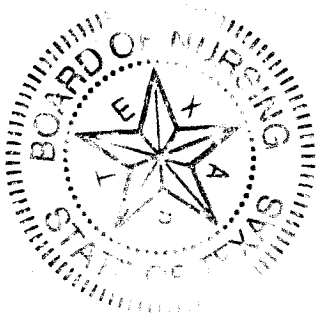
STEPHANIE STEWART
MY COMMISSION EXPIRES
August 26, 2013

Approved as to form and substance.

Mark E. Price, Attorney for Respondent

Signed this 3rd day of December 2010.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of December, 2010, by KATINA MARIE DEVAUGHN, Vocational Nurse License Number 199550, and said Order is final.



Effective this 29th day of December, 2010.

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