

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 188667
ISSUED TO
DAWN RICHELLE ODOM

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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 A. Odom
Executive Director of the Board

ORDER OF THE BOARD

TO: Dawn Richelle Odom
3365 Michelle Ave.
Vidor, Texas 77662

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 vocational 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 § 213.16(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 188667, previously issued to DAWN RICHELLE ODOM, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 9th day of November, 2010.

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 12th day of November, 2010, 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):

Dawn Richelle Odom
3365 Michelle Ave.
Vidor, Texas 77662



BY:

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 188667, Issued to §
DAWN RICHELLE ODOM, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAWN RICHELLE ODOM, is a Vocational Nurse holding license number 188667, 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.

On or about December 4, 2002, while applying to the Texas Board of Vocational Nurse Examiners for Licensure by Endorsement as a Vocational Nurse in the State of Texas, Respondent submitted an Application For Licensure by Endorsement to the Texas Board of Vocational Nurse Examiners in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted of a felony?" and /or "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

On or about March 28, 1995 Respondent entered a plea of guilty to the charge of Abandonment of a Child, Cause No. 64783, Texas Penal Code 22.041(d), a State Jail Felony, in County Court at Law, Orange County, Texas. Respondent's Guilty plea was accepted by the said court and Respondent was sentenced to a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(2)&(10), Texas Occupations Code, effective September 1, 2001 through February 1, 2004 and is a violation of 22 TEX. ADMIN. CODE §239.11(8), effective September 1, 1993 through September 28, 2004.

CHARGE II.

On or about March 25, 2010, while holding a license as a Vocational Nurse in the State of Texas, Respondent became non-compliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on September 17, 2009. Non-compliance is the result of Respondent's failure to have an approved assessment completed; failure to adhere to the drug screen testing program; missing a urine drug screen test on April 5, 2010 and failure to return calls/messages to Respondent's TPAPN case manager. Stipulation number three (3) of the Agreed Order dated September 17, 2009, states:

"RESPONDENT SHALL comply with all requirements of the TPAPN participation

agreement during its term and SHALL keep her license to practice nursing in the State of Texas current."

A copy of said Agreed Order is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(9).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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 Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

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: Agreed Order dated September 17, 2009.

Filed this 18th day of June, 2010.

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
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
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: Order of the Board dated September 17, 2009.

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Respondent's nursing employment history (continued):

12/2004 - 03/2005	Staff LVN	Oakwood Manor Nursing Home Vidor, Texas.
03/2005 - 03/2006	Staff LVN	Professional Health Care Beaumont, Texas.
03/2006 - 04/2006	Staff LVN	Oaks @ Beaumont Nursing Rehab Beaumont, Texas.
04/2006 - 01/2007	Staff LVN	Oakwood Manor Nursing Home Vidor, Texas.
01/2007 - 05/2007	ADON	Vidor Manor Nursing Home, Inc. Vidor, Texas.
05/2007 - 12/2007	Unit Mgr.	Magnolia Manor Nursing Home Groves, Texas.
12/2007 - 06/2008	Staff LVN	Oaks @ Beaumont Nursing Rehab Beaumont, Texas.
06/2008 - Present	Staff LVN	Ramirez Internal Medicine Associates Beaumont, Texas.

6. At the time of the incident described in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse with Magnolia Manor Nursing Home, Groves, Texas, and had been in this position for two (2) months.
7. On or about December 10, 2007, while employed as a Licensed Vocational Nurse with Magnolia Manor Nursing Home, Groves, Texas, Respondent engaged in the intemperate use of Marijuana (THC), in that she produced a specimen for a drug screen which resulted positive for Marijuana (THC). Possession of Marijuana (THC) is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana (THC) by a Vocational 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.

8. At the time of the incident described in Finding of Fact Number Nine (9), Respondent was employed as a vocational nurse with Ramirez Internal Medicine Associates, Beaumont, Texas and had been in this position for one (1) month.
9. On or about July 25, 2008, while employed as a Licensed Vocational Nurse with Ramirez Internal Medicine Associates, Beaumont, Texas, Respondent engaged in the intemperate use of alcohol, in that she produced a specimen for a drug screen which resulted positive for alcohol. Additionally, Respondent admitted to drinking alcohol. The use of alcohol by a Vocational 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.
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of 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 Eight (8), Ten (10) and Twelve (12) 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 Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(10)(A).
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 188667, heretofore issued to DAWN RICHELLE ODOM, including revocation of Respondent's 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):

RESPONDENT SHALL deliver the wallet-sized license issued to DAWN RICHELLE ODOM, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all

respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure privileges, if any, to practice 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 Texas Board of Nursing 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

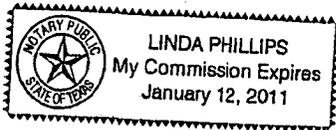
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Texas Board of Nursing, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of Sept, 2009.
Dawn Richelle Odom
DAWN RICHELLE ODOM, Respondent

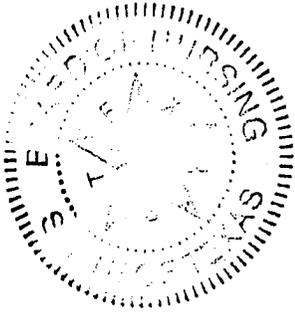
Sworn to and subscribed before me this 9th day of September, 2009.

SEAL

Linda Phillips
Notary Public in and for the State of TEXAS



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 9th day of September, 2009, by DAWN RICHELLE ODOM, Vocational Nurse License Number 188667, and said Order is final.



Entered and effective this 17th day of September, 2009.


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