IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 562305	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
JOLEE ANNE DEAVER	§	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

ORDER OF THE BOARD

TO: Jolee Anne Deaver
3531 Timber Dr.
Amarillo, Texas 79121

During open meeting held in Austin, Texas, on Tuesday, September 14, 2010, 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 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 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.

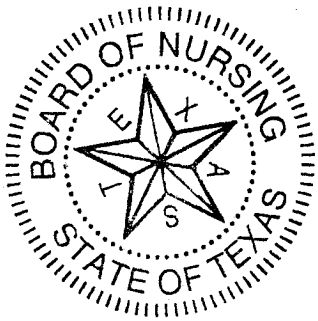
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. 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 Number 562305, previously issued to JOLEE ANNE DEAVER, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 562305, previously issued to JOLEE ANNE DEAVER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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



Entered this 14th day of September, 2010.

TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 562305
Issued to JOLEE ANNE DEAVER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September, 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):

Jolee Anne Deaver
3531 Timber Dr.
Amarillo, Texas 79121

BY: Katherine A. Thomas

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

In the Matter of Permanent License Number 562305, Issued to JOLEE ANNE DEAVER, Respondent	§ § §	**BEFORE THE TEXAS** **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOLEE ANNE DEAVER, is a Registered Nurse holding license number 562305, 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 June 1, 2007, through July 19, 2007, while employed with Vista Care Hospice, Amarillo, Texas, Respondent telephonically passed unauthorized refills of Hydrocodone to D & S Pharmacy, Amarillo, Texas, in excess frequency of physician's order for patients GA, BB, RS, PL, and MR as follows:

Date Filled	Patient #	Medication Filled by Pharmacy	Date Order Written	Physician's Order	Total Tabs Dispensed During Date Filled Time Frame	Additional Information
6/13/07	GA 87000439	Hydrocodone-APAP 7.5/500 (100 ct)	3/29/07	Hydrocodone 7.5/500 1-2 PO Q 3-4 hrs PRN	400	**No. Of Tabs Taken If Taken As Prescribed over 33 day period** 1 tab q 4 hrs = 198 2 tabs q 3 hrs = 528 *****Maximum dosage listed in drug handbook 8 tabs in 24hrs.***** 8 tabs in 24hrs x 33 days =264 tabs
6/22/07	GA 87000439	Hydrocodone-APAP 7.5/500 (100 ct)				
7/5/07	GA 87000439	Hydrocodone-APAP 7.5/500 (100 ct)				
7/16/07	GA 87000439	Hydrocodone-APAP 7.5/500 (100 ct)				

Date Filled	Patient #	Medication Filled by Pharmacy	Date Order Written	Physician's Order	Total Tabs Dispensed During Date Filled Time Frame	Additional Information
6/1/07	BB 87000208	Hydrocodone-APAP 7.5/500 (100 ct)	7/5/06	Hydrocodone 7.5/500 1 PO Q 4-6hrs PRN	500	**No. Of Tabs Taken If Taken As Prescribed over 49 day period** 1 tab q 4 hrs = 188 1 tab q 6 hrs = 282 *****Maximum dosage listed in drug handbook 8 tabs in 24hrs.***** 8 tabs q 24hrs x 47 days = 376 pills
6/14/07	BB 87000208	Hydrocodone-APAP 7.5/500 (100 ct)				
6/25/07	BB 87000208	Hydrocodone-APAP 7.5/500 (100 ct)				
7/06/07	BB 87000208	Hydrocodone-APAP 7.5/500 (100 ct)				
7/17/07	BB 87000208	Hydrocodone-APAP 7.5/500 (100 ct)				
6/6/07	PL 87000490	Hydrocodone-APAP 7.5/500 (100 ct)	6/16/07	Vicodin 5/500 1 PO Q 6hrs PRN	500	Prescription called in for excess dosage of the Physician's Order
6/16/07	PL 87000490	Hydrocodone-APAP 7.5/500 (100 ct)				
6/26/07	PL 87000490	Hydrocodone-APAP 7.5/500 (100 ct)				
7/9/07	PL 87000490	Hydrocodone-APAP 7.5/500 (100 ct)				
7/19/07	PL 87000490	Hydrocodone-APAP 7.5/500 (100 ct)				
6/19/07	MR 87000107	Hydrocodone-APAP 7.5/500 (100 ct)	6/8/05	Hydrocodone 7.5/500 1-2 PO Q 6hr PRN	180	**No. Of Tabs Taken If Taken As Prescribed over the 20 day period** 1 tab q 6 hrs = 80 2 tabs q 6 hrs = 160
7/9/07	MR 87000107	Hydrocodone-APAP 7.5/500 (100 ct)				

Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

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)(A)&(C)(effective through November 15, 2007) , and §217.12(1)(A)&(4).

CHARGE II.

On or about June 4, 2007, through July 12, 2007, while employed with Vista Care Hospice, Amarillo, Texas, Respondent telephonically passed unauthorized refills of Hydrocodone to D & S Pharmacy, Amarillo, Texas, for patient RS without a valid physician's order in that the order had been discontinued May 18, 2007, as follows:

Date Filled	Patient #	Medication Filled by Pharmacy	Date Order Written	Physician's Order	Total Tabs Dispensed During Date Filled Time Frame	Additional Information
6/4/07	RS 87000333	Hydrocodone-APAP 7.5/500 (100 ct)	4/18/07 **D/C 5/18/07**	Hydrocodone 7.5/500 1-2 PO Q 3-4 hrs PRN	400	**Discontinued 5/18/07**
6/20/07	RS 87000333	Hydrocodone-APAP 7.5/500 (100 ct)				
6/29/07	RS 87000333	Hydrocodone-APAP 7.5/500 (100 ct)				
7/12/07	RS 87000333	Hydrocodone-APAP 7.5/500 (100 ct)				

Respondent's conduct was likely to injure the patients in that the administration of Morphine without a valid physician's order could result in the patient suffering from adverse reactions.

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)(A) & (C)(effective through November 15, 2007) and §217.12(1)(A)&(4).

CHARGE III.

On or about June 1, 2007, through July 19, 2007, while employed with Vista Care Hospice, Amarillo, Texas, Respondent misappropriated Hydrocodone belonging to the patients GA, BB, RS, PL, and MR, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the patients of the cost of the medications.

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)(A) & (1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(G)&(8).

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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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, 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.

Filed this 13th day of May, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
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