

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 627291
ISSUED TO
DEBRA MARIE O'DONNELL

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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 O'Donnell
Executive Director of the Board

ORDER OF THE BOARD

TO: Debra Marie O'Donnell
10620 W. Alexander Rd. #119
Las Vegas, NV 89129

During open meeting held in Austin, Texas, on Tuesday, March 23, 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 627291, previously issued to DEBRA MARIE O'DONNELL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 627291, previously issued to DEBRA MARIE O'DONNELL, 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 multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 23rd day of March, 2010.



TEXAS BOARD OF NURSING

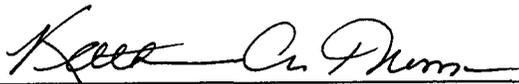
BY:


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

CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of March, 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):

Debra Marie O'Donnell
10620 W. Alexander Rd. #119
Las Vegas, NV 89129

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 627291, Issued to §
DEBRA MARIE O'DONNELL, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBRA MARIE O'DONNELL, is a Registered Nurse holding license number 627291, 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 March 15, 2008, Respondent's license to practice professional nursing in the State of Nevada received the sanction of Contract for Temporary Voluntary Surrender of License entered into between Respondent and the Nevada State Board of Nursing, Reno, Nevada. From March 3, 2008, through December 2, 2008, Respondent failed to comply with the terms of the Contract. On or about December 2, 2008, Respondent voluntarily surrendered her license to practice professional nursing in the State of Nevada.

On or about March 13, 2008, Respondent entered into a Contract for Temporary Voluntary Surrender of License (hereinafter referred to as the "Contract") with the Nevada State Board of Nursing, Reno, Nevada, and requested that she be allowed to be admitted into the Board's Alternative Program for Chemically Dependent Nurses. Respondent's request was granted. On or about May 22, 2008, the Board determined Respondent had failed to comply with the Contract; therefore, on or about July 2008, it was Ordered that the Contract begin anew. On or about August 15, 2008, the Board found that Respondent had further violated the Contract.

On or about December 2, 2008, Respondent voluntarily surrendered her license to practice professional nursing in the State of Nevada

A copy of the Contract for Temporary Voluntary Surrender of License, Findings of Fact, Conclusions of Law, Order dated July 2008, and Letter of Voluntary Surrender dated December 2, 2008, is attached and incorporated, by reference, as a part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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 § 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.bon.state.tx.us.

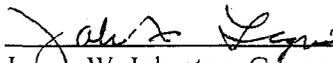
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can 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 Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Nevada State Board of Nursing Voluntary Surrender Order dated March 13, 2008; Nevada State Board of Nursing Final Order dated July 2008; Nevada State Board of Nursing Final Order dated November 10, 2008.

Filed this 22nd day of January, 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

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

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 Nevada State Board of Nursing dated March 13, 2008
Order of the Nevada State Board of Nursing dated July 2008
Order of the Nevada State Board of Nursing dated November 10, 2008

0999/D

ORIGINAL

RECEIVED - LV -

FEB 04 2009

BEFORE THE NEVADA STATE BOARD OF NURSING

NV STATE BOARD OF NURSING

1
2
3 IN THE MATTER OF
4 DEBRA DEL VALLE
5 LICENSED PROFESSIONAL NURSE
6 NEVADA LICENSE NO. RN26402
7 RESPONDENT

CONTRACT FOR TEMPORARY
VOLUNTARY SURRENDER OF
LICENSE

CASE NO. 0150-08C

8
9 The Nevada State Board of Nursing, acting through its Executive Director, Debra Scott,
10 MSN, RN, APN and DEBRA DEL VALLE (RESPONDENT), and agrees as follows:

11 1. Respondent is aware of, understands, and has been advised of the effect of this
12 Contract for Temporary Voluntary Surrender of License, which Respondent herein has carefully
13 read and fully acknowledges.

14 2. Respondent, by entering into this Contract for Temporary Voluntary Surrender of
15 License requests that she be allowed to be admitted into the Board's Alternative Program for
16 Chemically Dependent Nurses, which is allowed pursuant to NRS 632.307. Respondent
17 acknowledges that if she completes the requirements of this Contract for Temporary Voluntary
18 Surrender of License and any subsequent Agreement for Monitoring, there will be no public
19 discipline imposed. Respondent also acknowledges that if she fails any of the conditions or
20 terms of the Contract for Temporary Voluntary Surrender of License that failure would be
21 grounds for discipline by the Board, which would be public.

22 3. The Nevada State Board of Nursing has been advised by the Respondent herself
23 of violations of the Nurse Practice Act by the Respondent; there have been no Findings of Fact
24 confirmed by the Board. Respondent freely admits that she presented for work impaired with
25 alcohol. Respondent freely admits that she is addicted to alcohol and/or controlled substances
26 and has voluntarily sought treatment for addiction. Respondent acknowledges this conduct
27 constitutes a violation of the Nevada Revised Statutes 632.320 (5) controlled substances and/or
28 alcohol and, (7) unprofessional conduct, and Nevada Administrative Code 632.890 (9) impaired

1 (27) customary standards. Respondent further acknowledges that such acts and admissions
2 subject her to disciplinary action by the Board.

3 4. Respondent is aware of the Respondent's rights, including the right to a hearing
4 on any charges and allegations, the right to an attorney at her own expense, the right to examine
5 witnesses who would testify against her, the right to present evidence in her favor and call
6 witnesses on her behalf, or to testify herself, the right to contest the charges and allegations, the
7 right to reconsideration, appeal or any other type of formal judicial review of this matter, and any
8 other rights which may be accorded to her pursuant to the Nevada Administrative Procedures Act
9 and the provisions of Chapter 632 of the Nevada Revised Statutes and the Nevada
10 Administrative Code. **RESPONDENT agrees to waive the foregoing rights upon acceptance**
11 **of this Contract by the Board.**

12 5. Respondent personally contacted the office of the Board of Nursing to report her
13 addiction and treatment, met with Board staff in response to this report and otherwise cooperated
14 in this matter. Respondent freely chooses to waive her right to a hearing before the Board and
15 enter into this Contract, and hereby voluntarily surrenders Licensed Professional Nurse license
16 no. RN26402. Respondent shall forthwith discontinue the practice of nursing, in either a
17 licensed/certified or unlicensed capacity, in any and all jurisdictions until a Conditional License
18 is issued by the Nevada State Board of Nursing.

19 6. **EVIDENCE OF ADMISSION TO A BOARD-APPROVED CHEMICAL**
20 **DEPENDENCY TREATMENT PROGRAM**

21 Respondent shall provide evidence of admission to a Board-approved Chemical Dependency
22 Program within ten (10) working days of entering into this Contract. The program shall consist
23 of a minimum of one hundred eighty (180) hours of programming, including twenty (20) hours
24 of individual counseling, eighty (80) hours of process group, and eighty (80) hours of didactic
25 education, and shall provide evidence to the Board of completion of the program within ten (10)
26 working days of completion of the program. Respondent acknowledges that failure to complete
27 the Chemical Dependency Program within one hundred and eighty (180) days from acceptance
28

1 of this Contract constitutes a violation of this Contract and may be grounds for further
2 disciplinary action by the Board.

3 7. WRITTEN NOTIFICATION OF CHANGE OF ADDRESS

4 Respondent shall notify the Board, in writing of, and prior to, any change of address.

5 8. REFERRAL TO THE DISABILITY ADVISORY COMMITTEE FOR
6 MONITORING

7 Respondent is hereby referred to the Disability Advisory Committee for monitoring, evaluation,
8 and recommendation for return to nursing practice.

9 9. ABSTINENCE FROM ALCOHOL, MOOD ALTERING DRUGS,
10 CONTROLLED SUBSTANCES

11 Respondent shall abstain from the use of alcohol and all mood-altering drugs and controlled
12 substances except when absolutely required for documented medical treatment. All methods of
13 alternative treatment must be tried first. Failure of the alternative treatment must be documented
14 in the Respondent's health care record prior to use of any mood-altering drugs. A health care
15 professional legally authorized by law, who has knowledge of the Respondent's history and has
16 knowledge of the disease of addiction must prescribe any mood-altering medications. This
17 treatment must be reported to the Board, in writing, within seven (7) days, accompanied by the
18 documentation described above. The Board, or its authorized representative, may require
19 additional treatment until Respondent documents sobriety after periods of prescribed mood-
20 altering drug use. Failure to provide health care records to the Board may be considered a
21 violation of this Contract.

22 10. SUBMISSION TO URINE, BLOOD, OR OTHER TESTS FOR DRUGS OF
23 ABUSE

24 Respondent shall submit to urine, blood or other tests for drugs of abuse and/or alcohol when
25 requested by her counselor or representative of the Board. These tests shall be treated as forensic
26 specimens and submitted to a Board-approved laboratory. Respondent shall cause her physician
27 to write a standing order for testing for alcohol and drugs of abuse. Respondent shall cause the
28

1 results to be given to the requesting party and the Board. Any confirmed positive finding shall
2 be reported immediately to the Board.

3 11. SUBMISSION OF INDIVIDUAL AFTERCARE PLAN

4 Respondent shall submit an individual aftercare plan upon discharge from a Board-approved
5 chemical dependency treatment program, outlining in measurable behavioral terms Respondent's
6 goals related to her recovery, the methods for achieving those goals, and means of evaluating her
7 progress toward the achievement of her goals. The Disability Advisory Committee will evaluate
8 the plan and may require additional recovery or counseling activities be included in the plan
9 prior to return to work.

10 12. PARTICIPATION IN BOARD-APPROVED AFTERCARE PROGRAM

11 Respondent shall participate in a Board-approved aftercare program for a minimum of one year.
12 Such program shall include a minimum of weekly aftercare group sessions and individual
13 counseling not less than twice per month. Individual counseling shall be provided by a Board-
14 approved Certified Substance Abuse Counselor, Certified Chemical Dependency Nurse, or other
15 approved treatment provider. Respondent shall cause her individual counselor to submit
16 monthly reports to the Disability Advisory Committee on Respondent's participation in the
17 prescribed aftercare activities and her progress in recovery.

18 13. SUBMISSION OF EVIDENCE OF ATTENDANCE AT NINETY (90)

19 MEETINGS OF ALCOHOLICS ANONYMOUS (AA) OR NARCOTICS

20 ANONYMOUS (NA)

21 Respondent shall submit evidence of attendance at ninety (90) meetings of Alcoholics
22 Anonymous (AA) or Narcotics Anonymous (NA) within the first ninety (90) days and shall
23 attend a minimum of two (2) meetings per week thereafter. Respondent shall submit
24 documentation at monthly intervals of all meetings attended.

25 14. SUBMISSION OF AA/NA SPONSOR REPORTS

26 Respondent shall cause her AA or NA sponsor to submit reports to the Board, on forms provided
27 by the Board, at monthly intervals and shall address Respondent's progress in recovery.

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1 15. ATTENDANCE AT NURSE SUPPORT GROUP

2 Respondent shall attend weekly meetings of a Board-approved Nurse Support Group and submit
3 documentation at monthly intervals of all meetings attended.

4 16. EVALUATION FOR CONDITIONAL LICENSURE

5 Respondent may be evaluated and recommended by the Disability Advisory Committee for
6 Conditional Licensure when she has demonstrated and documented the following criteria:

- 7 a. Compliance with the stipulations of this Contract;
- 8 b. Acceptance of responsibility for her disease and recovery;
- 9 c. Stable environment and positive support system;
- 10 d. Identifies, in writing, the risk factors for her related to return to work in
11 nursing and presents her written plan for minimizing the possibility of
12 relapse;
- 13 e. Presents a written plan for securing employment, including identification
14 of potential employers whom Respondent has contacted regarding
15 employment; shift, hours, and area of nursing Respondent is seeking
16 employment in; availability of supervision by the employer, as required in
17 the stipulations of Conditional Licensure; and any return to work contract
18 required by the potential employer;
- 19 f. Written documentation that Respondent meets these criteria shall be
20 submitted prior to the evaluation by Respondent's counselor(s), AA/NA
21 sponsor, Nurse Support Group facilitator and/or co-members, and
22 significant other(s).

23 17. AGREEMENT FOR CONDITIONAL LICENSURE

24 Respondent shall enter into an agreement for Conditional Licensure when the Disability
25 Advisory Committee recommends that she is ready to return to nursing. This Agreement shall be
26 presented to and accepted by the Nevada State Board of Nursing prior to issuance of the
27 Conditional License. Respondent shall abide by the terms of Conditional Licensure when such
28 license is issued by the Nevada State Board of Nursing.

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1 18. VIOLATIONS TO BE REPORTED TO BOARD WITHIN SEVENTY-TWO
2 (72) HOURS

3 Respondent shall obey all federal, state, and local laws, employer policy or contracts, and orders
4 of the Board, pertaining to the practice of nursing in this state. Any and all violations shall be
5 reported to the Board in writing within seventy-two (72) hours. It is the Respondent's
6 responsibility to resolve with the Executive Director any confusion regarding what laws pertain
7 to nursing.

8 19. ATTENDANCE AT ORIENTATION MANDATORY

9 Respondent shall attend an orientation meeting to facilitate understanding and accountability of
10 the terms and conditions of this Agreement/Order as scheduled by the Compliance Coordinator.
11 Failure to attend this orientation will be considered a violation of this Agreement/Order.

12 20. REQUIREMENT TO MEET WITH THE BOARD OR STAFF UPON
13 REQUEST

14 Respondent shall cooperate with representatives of the Board in their supervision and
15 investigation of Respondent's compliance with the terms and conditions of this Contract for
16 Temporary Voluntary Surrender of License and shall meet with representatives of the Board
17 upon their request.

18 21. SELF REPORTS (DUE MONTHLY)

19 Respondent shall make and present written documentation that validates compliance with the
20 stipulations of this Contract and progress in achieving defined goals in her personal aftercare
21 plan and recovery. Failure to demonstrate acceptable progress in recovery may be considered a
22 violation of this Contract. It is the Respondent's responsibility to resolve any confusion with the
23 Executive Director.

24 22. FINANCIAL RESPONSIBILITIES AND MONITORING FEES

25 Respondent shall be financially responsible for all requirements of this Contract, including any
26 financial assessments by the Board for the cost of monitoring her compliance with this Contract.
27 Respondent may be assessed a late fee for monitoring fees that are received more than ten (10)
28 calendar days after the due date.

1 23. REPORT DUE DATES

2 Respondent shall cause all reports to be in writing and submitted directly to the Board's Reno
3 office on a monthly basis, unless otherwise indicated, and are due no later than the last day of the
4 month. It is the obligation of the Respondent to ensure that all written reports are on time. The
5 failure to submit the reports on time may be considered a violation of this Contract.

6 24. REQUIRED NOTIFICATION OF OTHER STATES OF LICENSURE

7 The Contract for Temporary Voluntary Surrender shall not be reported to any national repository
8 which records disciplinary action taken against licensees or holders of certificates; or any agency
9 of another state which regulates the practice of nursing; or on the list of disciplinary actions the
10 Board has taken, providing Respondent complies fully with the terms and stipulations contained
11 herein. Respondent acknowledges that, should she seek licensure or employment as a nurse
12 outside of the state of Nevada, the Board shall report the Temporary Voluntary Surrender to
13 other jurisdiction(s) and may seek disciplinary action for violation of the terms of this Contract.

14 25. CONSEQUENCES OF FURTHER VIOLATIONS INCLUDING
15 VIOLATIONS OF THIS CONTRACT

16 Respondent understands that the board may file a petition for formal disciplinary action at any
17 time prior to return of the voluntarily surrendered license if there is not documentation of
18 satisfactory progress or compliance with the Contract.

19 26. JURISDICTION OF THE NEVADA STATE BOARD OF NURSING

20 The Nevada State Board of Nursing retains jurisdiction in this case until all conditions have been
21 met to the satisfaction of the Board.

22 ///

1 27. This Contract shall not be construed as excluding or reducing any criminal or civil
2 penalties or sanction or other remedies that may be applicable under federal, state or local laws.

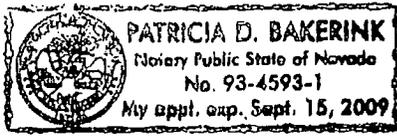
3 Dated this 4th day of February, 2008

Debra del Valle
RESPONDENT
DEBRA DEL VALLE

8 State of Nevada
9 County of Clark

10 This instrument was acknowledged before me on February 4th, 2008, by
11 Debra Del Valle

Patricia D. Bakerink
Notary Public



23 Accepted and approved this 13th day of March, 2008

NEVADA STATE BOARD OF NURSING
By: Helen Vos
Helen Vos, MS, RN
Board President

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DEBRA DEL VALLE
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN26402
RESPONDENT

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 0150-08CV

The Nevada State Board of Nursing (Board), by and through counsel, Frederick R. Olmstead, hereby notifies Respondent Debra Del Valle of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-.927, if the stated allegations are proven at the hearing by the evidence presented.

Respondent Debra Del Valle is currently and was at the time of the allegations stated below, licensed as a Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

I.

On February 4, 2008, Respondent signed a Contract for Temporary Voluntary Surrender of License. In the Contract, Respondent admitted that "she had presented for work impaired with alcohol. Respondent "freely admit[ed] that she [wa]s addicted to alcohol and/or controlled substances and has voluntarily sought treatment for addiction." The Contract required that Respondent take certain actions and comply with certain terms and conditions. On March 13, 2008, the Board accepted the Contract.

1 II.

2 Since February 2008, Respondent has failed to comply with the Contract for Temporary
3 Voluntary Surrender of License, in that:

- 4 a. Respondent has failed to attend the intensive outpatient program on March 3, 5,
5 6, 10, 13, 14, 17, 2008 (the Intensive Outpatient Program is scheduled for five
6 days per week, three hours per day).
- 7 b. Respondent was late to the program on March 18 and 19, 2008.
- 8 c. Respondent was a no call – no show for her one on one visit with her counselor.
- 9 d. On April 1, 2008, Respondent arrived for her meeting with her counselor at the
10 Intensive Outpatient Program. On that day Respondent appeared overwhelmed,
11 unkempt and with a strong smell of alcohol about her. Respondent's counselor
12 attempted to intervene and recommended that Respondent go into a residential
13 treatment program. Respondent initially agreed to the residential program, but
14 after leaving, Respondent refused to attend the residential program.

15 III.

16 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
17 632.320(7), unprofessional conduct, because Respondent violated NAC 632.890(35) when
18 Respondent failed to comply with a condition, limitation or restriction which has been placed on
19 her license.

20 Based on the foregoing:

21 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
22 Administrative Complaint against the above-named Respondent in accordance with Chapters
23 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
24 Code.
25

26 THE HEARING WILL TAKE PLACE on **Thursday, May 22, 2008, commencing at**
27 **9:00 a.m.**, or as soon thereafter as the Board is able to hear the matter, at the **Tuscany Suites,**
28

1 255 E. Flamingo Road, Las Vegas, NV 89169. This case and other matters are scheduled to be
2 heard by the Board.

3 PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board
4 furnish copies of communications, reports, and affidavits in its possession, regarding the above-
5 referenced matter.
6

7 As the Respondent, you are specifically informed that you have the right to appear and be
8 heard in your defense, either personally or through counsel of your choice. You have the right to
9 respond and to present relevant evidence and argument on all issues involved. You have the
10 right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on
11 any matter relevant to the issues involved.

12 You have the right to request that the Board issue subpoenas to compel witnesses to
13 testify and/or evidence to be offered on your behalf. In making this request, you may be required
14 to demonstrate the relevancy of the witness' testimony and/or evidence.

15 The purpose of the hearing is to determine if the Respondent has violated NRS
16 632.320(7), and/or NAC 632.890(35), and if the allegations contained herein are substantially
17 proven by the evidence presented to further determine what administrative penalty is to be
18 assessed against the Respondent, if any, pursuant to NRS 632.320 and/or NRS 632.325 and/or
19 NAC 632.926-.927.

20 Should the Respondent fail to appear at the hearing, a decision may still be reached by
21 the Board. As the Respondent, you are further advised that you may be charged with cost
22 associated with the hearing pursuant to NRS 622.400.

23 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
24 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case
25 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of
26 Nursing.

27 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
28 notice, take administrative action against your license and/or certificate to practice within the

1 State of Nevada if the Board determines that such administrative action is warranted after
2 considering your character, alleged misconduct, professional competence, or physical or mental
3 health.

4 DATED this 9th day of April 2008.

5
6 By:


7 FREDERICK R. OLMSTEAD, ESQ.
8 General Counsel
9 Nevada State Board of Nursing
10 5011 Meadowood Mall Way, Suite 300
11 Reno, Nevada 89502-6547
12 (775) 688-2620
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BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DEBRA DEL VALLE
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN26402
RESPONDENT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER.

CASE NO. 0150-08CV

On Thursday, May 22, 2008, a hearing was held in the above matter before the Nevada State Board of Nursing at the Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169, in compliance with the provisions of Chapters 233B and 632 of the Nevada Revised Statutes (NRS) and Chapter 632 of the Nevada Administrative Code (NAC).

Respondent Debra Del Valle appeared at the hearing in proper person. The Nevada State Board of Nursing staff appeared through counsel, Frederick R. Olmstead.

At the hearing the Board accepted written documents into evidence and received verbal testimony. Based upon the evidence submitted and the testimony presented, the Board made the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

I.

At least twenty-one (21) working days prior to the date of the hearing, Respondent had been noticed of the hearing by certified mail to Respondent's last known residential address.

II.

The Board had jurisdiction over the matter, and the Board could proceed to make a determination in the matter.

1 III.

2 On February 4, 2008, Respondent signed a Contract for Temporary Voluntary Surrender
3 of License. The Contract required that Respondent take certain actions and comply with certain
4 terms and conditions. On March 13, 2008, the Board accepted the Contract.

5 IV.

6 Since February 2008, Respondent has failed to comply with the Contract for Temporary
7 Voluntary Surrender of License, in that:

- 8 a. Respondent has failed to attend the intensive outpatient program on March 3, 5,
9 6, 10, 13, 14, 17, 2008 (the Intensive Outpatient Program is scheduled for five
10 days per week, three hours per day).
- 11 b. Respondent was late to the program on March 18 and 19, 2008.
- 12 c. Respondent was a no call – no show for her one on one visit with her counselor.
- 13 d. On April 1, 2008, Respondent arrived for her meeting with her counselor at the
14 Intensive Outpatient Program. On that day Respondent appeared overwhelmed,
15 unkempt and with a strong smell of alcohol about her. Respondent's counselor
16 attempted to intervene and recommended that Respondent go into a residential
17 treatment program. Respondent initially agreed to the residential program, but
18 after leaving, Respondent refused to attend the residential program.

19 CONCLUSIONS OF LAW

20 1. Pursuant to NRS 632.320 and/or NAC 632.325 and/or NAC 632.923-927, the
21 Board may take disciplinary action against the Respondent based upon proof of a violation of
22 chapter 632 of the Nevada Revised Statutes and/or the Nevada Administrative Code.

23 2. Based on the evidence presented, Respondent was found guilty of violating to NRS
24 632.320(7), unprofessional conduct, because Respondent violated NAC 632.890(35) when
25 Respondent failed to comply with a condition, limitation or restriction which has been placed on
26 her license.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law and good cause appearing therefore,

IT IS HEREBY ORDERED that pursuant to NRS 632.320 and/or NAC 632.926 (1)(h), all of the terms and conditions of Respondent's Contract for Temporary Voluntary Surrender begin anew.

IT IS FURTHER ORDERED that if Respondent violates the Contract, then the Voluntary Surrender shall become a disciplinary proceeding without further proceedings.

Pursuant to NRS 632.400(2), the ruling of the Board contained in these Findings of Fact, Conclusions of Law, and Order shall take effect upon service to the Respondent or when the Board receives a return from the United States Postal Service indicating the Respondent refused service or could not be located.

If no return is received by the Board, the order shall become effective 30 days from the date of the order.

DATED this ___ day of July 2008.

NEVADA STATE BOARD OF NURSING

By: *Helen Vos*
HELEN VOS, MS, RN
Board President
Doreen Beglay MS, RN
Board Vice President

● ORIGINAL ●

BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DEBRA DEL VALLE
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN26402
RESPONDENT

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 0150-08CV

The Nevada State Board of Nursing (Board), by and through counsel, Frederick R. Olmstead, hereby notifies Respondent Debra Del Valle of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-.927, if the stated allegations are proven at the hearing by the evidence presented.

Respondent Debra Del Valle is currently and was at the time of the allegations stated below, licensed as a Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

I.

On February 4, 2008, Respondent signed a Contract for Temporary Voluntary Surrender of License. In the Contract, Respondent admitted that "she had presented for work impaired with alcohol. Respondent "freely admit[ed] that she [wa]s addicted to alcohol and/or controlled substances and has voluntarily sought treatment for addiction." The Contract required that Respondent take certain actions and comply with certain terms and conditions. On March 13, 2008, the Board accepted the Contract.

1 II.

2 Respondent appeared before the Board at the May 2008 Board meeting in regards to
3 allegations that Respondent had failed to comply with certain terms and conditions of the
4 Contract for Temporary Voluntary Surrender of License. The Board found Respondent guilty of
5 violating NAC 632.890(35) and the Board Ordered all of the terms and conditions of
6 Respondent's Contract for Temporary Voluntary Surrender begin anew. The Board also Ordered
7 that if Respondent violates the Contract, then the Voluntary Surrender shall become a
8 disciplinary proceeding without further proceedings.

9 III.

10 Since the May 2008 Board meeting, Respondent has failed to comply with the terms and
11 conditions of the Contract for Temporary Voluntary Surrender of License, in that, Respondent
12 has:

- 13 a. Failed to attend a nurse support group on July 17, 2008, and July 24, 2008;
14 b. Failed to timely appear at the nurse support group meeting on July 31, 2008, in
15 that, Respondent appeared late for the meeting and was not allowed to participate;
16 c. Failed to call NCPS on August 5, 2008.

17 IV.

18 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
19 632.320(7), unprofessional conduct, because Respondent violated NAC 632.890(35) when
20 Respondent failed to comply with a condition, limitation or restriction which has been placed on
21 her license.

22 Based on the foregoing:

23 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
24 Administrative Complaint against the above-named Respondent in accordance with Chapters
25 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
26 Code.
27
28

1 THE HEARING WILL TAKE PLACE on Wednesday, September 17, 2008,
2 commencing at 1:00 p.m., or as soon thereafter as the Board is able to hear the matter, at the
3 Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169. This case and other matters are
4 scheduled to be heard by the Board.
5

6 PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board
7 furnish copies of communications, reports, and affidavits in its possession, regarding the above-
8 referenced matter.

9 As the Respondent, you are specifically informed that you have the right to appear and be
10 heard in your defense, either personally or through counsel of your choice. You have the right to
11 respond and to present relevant evidence and argument on all issues involved. You have the
12 right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on
13 any matter relevant to the issues involved.

14 You have the right to request that the Board issue subpoenas to compel witnesses to
15 testify and/or evidence to be offered on your behalf. In making this request, you may be required
16 to demonstrate the relevancy of the witness' testimony and/or evidence.

17 The purpose of the hearing is to determine if the Respondent has violated NRS
18 632.320(7), and/or NAC 632.890(35), and if the allegations contained herein are substantially
19 proven by the evidence presented to further determine what administrative penalty is to be
20 assessed against the Respondent, if any, pursuant to NRS 632.320 and/or NRS 632.325 and/or
21 NAC 632.926-927.

22 Should the Respondent fail to appear at the hearing, a decision may still be reached by
23 the Board. As the Respondent, you are further advised that you may be charged with cost
24 associated with the hearing pursuant to NRS 622.400.

25 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
26 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case
27 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of
28 Nursing.

1 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
2 notice, take administrative action against your license and/or certificate to practice within the
3 State of Nevada if the Board determines that such administrative action is warranted after
4 considering your character, alleged misconduct, professional competence, or physical or mental
5 health.

6 DATED this 15th day of August 2008.

7
8 By:


FREDERICK R. OLMSTEAD, ESQ.
General Counsel
Nevada State Board of Nursing
501 Meadowood Mall Way, Suite 300
Reno, Nevada 89502-6547
(775) 688-2620

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

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IN THE MATTER OF
DEBRA DEL VALLE
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN26402
RESPONDENT

ORDER.

CASE NO. 0150-08CV

On Wednesday, September 17, 2008, a hearing was held in the above matter before the Nevada State Board of Nursing at the Tuscany Suites, 255 E. Flamingo Road, Las Vegas, NV 89169, in compliance with the provisions of Chapters 233B and 632 of the Nevada Revised Statutes (NRS) and Chapter 632 of the Nevada Administrative Code (NAC).

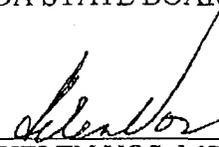
Respondent Debra Del Valle appeared at the hearing in proper person. The Nevada State Board of Nursing staff appeared through counsel, Frederick R. Olmstead.

At the hearing the Board received testimonial and documentary evidence. After receiving the evidence, the Board closed the Complaint.

DATED this 10th day of November 2008.

NEVADA STATE BOARD OF NURSING

By:


HELEN VOS, MS, RN
Board President

DEC 05 2008

Nevada State Board of
NURSING

Dec 2, 2008

Dear Ms. Reynolds,

I had E-mailed you on 11/25/08
requesting a voluntary surrender of
my license. I am placing
it in writing. Once this is
executed please advise me in
writing.

Sincerely,
Ms. Debra del Valle