



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.
Katherine A. Thomas
Executive Director of the Board

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 651283 and 156523
ISSUED TO
DERIC PEVETO

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

NUNC PRO TUNC ORDER OF THE BOARD

TO: Deric Peveto
400 Kalyn Drive
Hemphill, TX 75948

On October 18, 2012, during open meeting in Austin, Texas, a Reinstatement Agreed Order was ratified by the Texas Board of Nursing (Board) for Deric Peveto. However, the Order omitted reference to both of Mr. Peveto's nursing licenses in certain places throughout the Order and contained typographical errors. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein, invalidates the Reinstatement Agreed Order of the Board with the omitted information and submits and enters the corrected Reinstatement Agreed Order of the Board, which contains correct references to both of Mr. Peveto's nursing licenses throughout the Order and corrects the typographical errors. No other changes to the Order have been made. Mr. Peveto received due process regarding his licenses; therefore, his rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective October 18, 2012.

Entered this 12th day of November, 2012.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

cc: 200 Kay St., Bridge City, TX 77611

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Licensed Vocational	§	REINSTATEMENT
Nurse License Number 156523, and	§	
Registered Nurse License Number 651283	§	
issued to DERIC PEVETO	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 156523, and Registered Nurse License Number 651283, held by DERIC PEVETO, hereinafter referred to as Petitioner.

An informal conference was held on August 28, 2012, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, RN, Nurse Consultant, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Lamar University, Orange, Texas, on December 22, 1995. Petitioner was licensed to practice vocational nursing in the State of Texas on February 20, 1996. Petitioner received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 1, 1998. Petitioner was licensed to practice professional nursing in the State of Texas on June 16, 1998.

4. Petitioner's vocational and professional nursing employment history includes:

2/96 - 2001	LVN/RN	University of Texas Medical Branch Beaumont, Texas
1999 - 2000	RN	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01 - 4/05	RN	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
2005 - 2006	RN	Texas Home Health Beaumont, Texas
2006 - 2007	RN	The Medical Center of Southeast Texas Port Arthur, Texas
2/08 - 4/08	RN	University of Texas Medical Branch Beaumont, Texas
5/08 - 9/08	RN	Pace Setter's Personnel Service Houston, Texas
10/08 - 3/09	RN	Select Specialty Hospital Houston, Texas
4/09 - present	Not employed in nursing	

5. On February 13, 2007, Petitioner's licenses to practice vocational and professional nursing were Suspended, with the suspension Stayed and Petitioner was placed on probation for three (3) years by the Texas Board of Nursing. A copy of the February 13, 2007, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On September 20, 2010, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's licenses to practice vocational and professional nursing in the State of Texas. A copy of the September 20, 2010, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about May 25, 2012, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.

8. Petitioner presented the following in support of his petition:
- 8.1. Judgment of Conviction, dated September 11, 2009, for the Class A Misdemeanor offense of DWI 2nd Offender (committed on August 1, 2009), Case No. 161774601010, in the County Criminal Court at Law No. 13, Harris County, Texas. Petitioner was sentenced to sixty (60) days county jail, suspension of driver's license for a period of twenty-four (24) months, and court costs of three hundred eighty-three dollars (\$383.00).
 - 8.2. Letter of support, dated May 15, 2012, from Keith and Beverly Vinson, Hemphill, Texas, states they have known Petitioner for four (4) years. He is one of the most pleasant young men they know. Petitioner has worked diligently to strengthen himself in body and in mind and return to good health. Petitioner is always ready and willing to lend a hand whenever anyone in the neighborhood needs it. Mr. and Mrs. Vinson are pleased to see Petitioner moving forward to rejoin his chosen profession. He has worked so hard to resolve past issues and they feel he has the commitment to be successful once again.
 - 8.3. Letter of support, dated May 21, 2012, from Peter E.C. Forrest, MD, Burkeville, Texas, states Petitioner's story is impressive and remarkable. His path is engaging on many levels and Dr. Forrest has been impressed that he may well be one of those who might hold great motivational potential to those in a culture so dominated by apparent addictive need/behaviors. Relapse is always a possibility with the alcoholic/addict and Dr. Forrest still chooses to urge every consideration be given to Petitioner.
 - 8.4. Letter of support, from Charles R. Pearson, MD, Many, Louisiana, states he has known Petitioner for two (2) years and has attended Alcoholics Anonymous meetings with him. Dr. Pearson can attest to his moral and ethical character and his sincerity in following the spiritual program of recovery. Dr. Pearson highly recommends Petitioner's reinstatement.
 - 8.5. Letter of support, dated May 21, 2012, from S.E. Morris, Hemphill, Texas, states he has known Petitioner since he began making Alcoholics Anonymous meetings at Hemphill Serenity Group three (3) years ago. The only time Petitioner has missed a meeting was when he was in the hospital. Petitioner has a real desire to better his life as well as the lives of those that know him. Mr. Morris gladly gives his recommendation for Petitioner's reinstatement.
 - 8.6. Letter of support from Pat Brandon Fussell, San Augustine, Texas, states he has been acquainted with Petitioner for approximately four (4) years. During that time, Mr. Fussell has known Petitioner to be a clean and sober member of a twelve step program, and a stable productive citizen with a genuine desire to help others. Mr. Fussell recommends Petitioner's license be reinstated.
 - 8.7. Letter of support, dated may 16, 2012, from Charlene Neal, Hemphill, Texas, states she has known Petitioner for about two (2) years. Ms. Neal finds Petitioner to be a very pleasant, intelligent and articulate individual who would be a great employee in the health field.

- 8.8. Letter of support from Sharon Poindexter, Sulphur, Louisiana, states she has known Petitioner for five (5) years. She has always known Petitioner to be extremely nurturing, dependable, and highly regarded among his peers. Ms. Poindexter realizes that Petitioner has had past transgressions that have caused him to stumble and lose his way in the past, but he has taken the necessary steps to correct the problems. Anyone who comes into contact with Petitioner walks away feeling better about themselves. Petitioner is exactly what the healthcare industry needs and he deserves a second chance.
- 8.9. Letter of support from Susan King, Hemphill, Texas, states Petitioner is a remarkable young man. He has always been compassionate and has always put everyone ahead of himself. He is loving, caring and kind with a spirit that is commendable. Petitioner has had many problems during his youth. He has been his own worst enemy, but has never intentionally hurt another person. The issues Petitioner has faced are not uncommon in many young people today. He has made some bad decisions, but has worked very hard to overcome the negative things that once ruled his world. Petitioner has not only gotten his life on track, but has helped so many in the community and continues to be an asset to his family and to strangers with whom he mentors on a daily basis. Ms. King recommends that Petitioner be allowed to practice his craft as a Registered Nurse once again.
- 8.10. Letter of support, dated May 17, 2012, from James D. Crain, Hemphill, Texas, states he has known Petitioner for the past three (3) years and speaks with him almost daily. Petitioner has always displayed a high degree of integrity, responsibility and desire to be a part of the Serenity group rather than apart from the group. Petitioner has shown a real desire to play an active role in his recovery by demonstrating that he can only keep what he has by giving it away. He has shown his inherent nurse abilities helping Mr. Crain through two (2) total knee replacements. Mr. Crain is happy to give Petitioner his wholehearted endorsement.
- 8.11. Letter of support, dated May 15, 2012, from Jean LeBlanc, RN, Hemphill, Texas, states he has known Petitioner for about three (3) years. Petitioner is a kind and empathetic person and an excellent listener. He constantly impresses Mr. LeBlanc with his broad base of knowledge about all things related to nursing. Petitioner's goal has always been to return to his profession and Mr. LeBlanc believes he should be able to do that.
- 8.12. Letter of support, dated April 20, 2012, from Donna Schrieber, Hemphill, Texas, states she is Petitioner's mother and that Petitioner has lived with her or in the apartment below her since September 2009. Ms. Schrieber has seen, eaten with, interacted and worked along side Petitioner daily since that time. On his coming home, Petitioner made a commitment to himself and his family that he would do everything humanly possible to get not only his life back in order, but would try to get his health back also. Petitioner has religiously worked his program, maintained a well balanced lifestyle, spend hours helping others with their recovery and taken good care of himself. The only AA meetings he has missed in almost three (3) years were when he was in the hospital. Having intimate knowledge of where his past failures started, and why they started, Ms. Schrieber can honestly say that he understands his own needs and knows what he must do to take care of himself and his future.

- 8.13. Letter of support, dated April 29, 2012, from Carol Schrieber, Hemphill, Texas, states he is Petitioner's step-father and has been there since Petitioner was thirteen (13) years old. Mr. Schrieber is writing to recommend that Petitioner be given a second chance to return to the nursing field. Mr. Schrieber truly feels that Petitioner has taken the necessary steps to warrant this consideration. Mr. Schrieber has witnessed Petitioner's dedication to this AA group and its members. He works the program religiously and has allowed himself to be mentored by people who have fifty (50) years of sobriety. He now has a path forward and the support of a group of people who genuinely care and he is paying it forward to those in need of recovery.
- 8.14. Letter of support, dated May 21, 2012, from Daryl Peveto, states he is Petitioner's brother and sincerely believes in his transformation from that of an addict to that of an incredibly responsible and thoughtful person. About two (2) years ago, Petitioner began to turn his life around. He moved in with their parents and began AA meetings. Petitioner's transformation has been nothing short of extraordinary. Petitioner is completely self-sufficient and works to take care of his chores as well as helping others.
- 8.15. Documentation of negative monthly drug screens dating from June 21, 2011, through August 8, 2012.
- 8.16. Documentation of support group attendance dating from August 19, 2010, through August 27, 2012.
- 8.17. Documentation of the minimum requirement of Continuing Education contact hours.
9. Petitioner gives August 1, 2009, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DERIC PEVETO, Vocational Nurse License Number 156523, and Registered Nurse License Number 651283, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to DERIC PEVETO, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) Petitioner SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, Petitioner SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) Petitioner SHALL notify all future employers in nursing of this Order of the Board and the stipulations on Petitioner'S license(s). Petitioner SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) Petitioner SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, Petitioner SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as Petitioner and immediately available to provide assistance and intervention. Petitioner SHALL work only on regularly assigned, identified and predetermined unit(s). The Petitioner SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Petitioner SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, Petitioner SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as Petitioner, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. Petitioner SHALL work only regularly assigned, identified and predetermined unit(s). Petitioner SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Petitioner SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) Petitioner SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a nurse.

(10) Petitioner SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) Petitioner SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(12) Petitioner SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner'S capability to practice nursing. These reports shall be completed by the nurse who supervises the Petitioner. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(13) Petitioner SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, Petitioner SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and Petitioner SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(14) Petitioner SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the Petitioner's place of employment at any time during the stipulation period and require Petitioner to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Petitioner SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) Petitioner SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. Petitioner SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by Petitioner. Petitioner SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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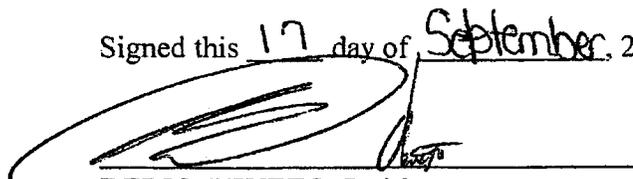
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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

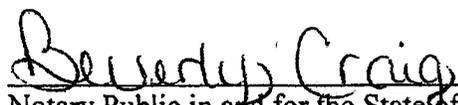
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

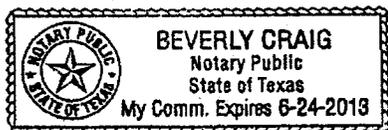
Signed this 17 day of September, 2012.


DERIC PEVETO, Petitioner

Sworn to and subscribed before me this 17 day of September, 2012.

SEAL


Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of September, 2012, by DERIC PEVETO, Registered Nurse License Number 651283, and said Order is final.

Effective this 18th day of October, 2012.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 156523 and Registered §
Nurse License Number 651283 §
issued to DERIC PEVETO §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 156523, and Registered Nurse License Number 651283, issued to DERIC PEVETO, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing is currently in delinquent status. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Lamar University, Orange, Texas, on December 22, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on February 20, 1996. Respondent received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 16, 1998.

4. Respondent's vocational and professional nursing employment history includes:

2/96 - 2001	LVN/RN	University of Texas Medical Branch Beaumont, Texas
1999 - 2000	RN	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01 - 4/05	RN	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
2005 - 2006	RN	Texas Home Health Beaumont, Texas
2006 - 2007	RN	The Medical Center of Southeast Texas Port Arthur, Texas
2/08 - 4/08	RN	University of Texas Medical Branch Beaumont, Texas
5/08 - 9/08	RN	Pace Setter's Personnel Service Houston, Texas
10/08 - 3/09	RN	Select Specialty Hospital Houston, Texas
4/09 - present	Unknown	

5. On or about February 13, 2007, Respondent's licenses to practice vocational and professional nursing in the State of Texas were Suspended, with the suspension stayed and Respondent was placed on probation for three (3) years. A copy of the February 13, 2007, Agreed Order, Finding of Fact, Conclusions of Law and Order is attached and incorporated, by reference, as part of this Order.
6. Formal Charges were filed on November 19, 2008. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.

7. Formal Charges were mailed to Respondent on December 4, 2008.
8. On September 10, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational and professional nursing in Texas. A copy of Respondent's notarized statement is attached and incorporated, by reference, as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

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)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) and (11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 156523, and Registered Nurse License Number 651283, heretofore issued to DERIC PEVETO, to practice vocational and professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational or registered nursing, use the title of vocational nurse or registered nurse or the abbreviation LVN or RN or wear any insignia identifying himself as a vocational nurse or registered nursing nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse or registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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



Effective this 20th day of September, 2010.

TEXAS BOARD OF NURSING

By:

Katherine A. Thomas

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

In the Matter of Vocational Nurse § BEFORE THE TEXAS
License Number 156523, and §
Registered Nurse License Number 651283, §
Issued to DERIC PEVETO, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DERIC PEVETO, is a Vocational Nurse holding license number 156523, which is in delinquent status at the time of this pleading, and a Registered Nurse holding license number 651283, 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 May 9, 2008, while employed with University of Texas Medical Branch, Galveston, Texas, Respondent engaged in the intemperate use of alcohol in that he produced a specimen for a 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) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

CHARGE II.

On or about May 9, 2008, while employed with University of Texas Medical Branch, Galveston, Texas, Respondent failed to comply with the Agreed Order issued to him on February 13, 2007, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Fourteen (14) of the Order which states, in pertinent part:

(14) RESPONDENT SHALL abstain from the consumption of alcohol....

A copy of the February 13, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

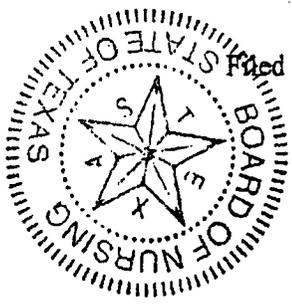
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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.bon.state.tx.us.

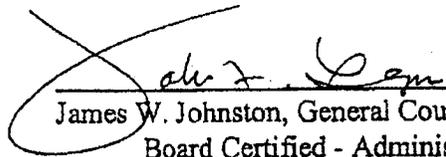
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS 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 February 13, 2007.



Filed this 17th day of November, 2008.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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: Agreed Order dated February 13, 2007

Debra Keith Peveto

400 Kalyan dr

Hendall, Tx 75948

409-787-1575

old address

300 Fossil rd #1603

Galveston Tx 77550

RECEIVED
SEP 10 2010

DERIC PEVETO
300 Ferry Road, #603
Galveston, Texas 77550
Texas LVN License #156523 and Texas RN License #651283

Voluntary Surrender Statement

July 1, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational or professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature

Date

Texas Nursing License Number/s



6/30/10

651283

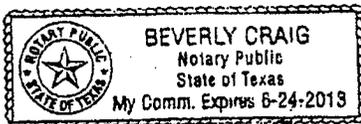
The State of Texas

Before me, the undersigned authority, on this date personally appeared DERIC PEVETO who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 30th day of June, 2010.

SEAL

Beverly Craig
Notary Public in and for the State of Texas



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 651283 § AGREED
and Vocational Nurse License Number 156523 §
issued to DERIC PEVETO § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DERIC PEVETO, A.K.A. DERIC KEITH PEVETO Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(9),(10),(12)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on September 17, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent completed a vocational nursing program at Lamar University-Orange, Orange, Texas, on December 22, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on February 20, 1996. Respondent received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 16, 1998.

5. Respondent's nursing employment history includes:

2/96-Unknown	Staff Nurse (LVN/RN)	University of Texas Medical Branch (UTMB) Beaumont, Texas
1999-2000	Staff Nurse (RN)	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01-4/05	Staff Nurse (RN)	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
4/05-3/06	Unknown	
4/06-Present	Staff Nurse (RN)	The Medical Center of Southeast Texas Port Arthur, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, and had been in this position for approximately one (1) year and seven (7) months.
7. On or about April 22, 2003, Respondent was arrested in Jefferson County, Texas, by the Texas Department of Public Safety for "Driving While Intoxicated" after Respondent was observed to be unable to maintain a single lane of traffic and driving off the highway before coming to a stop against the guardrail. On or about August 29, 2003, Respondent plead guilty and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Jefferson County, Texas, Court at Law No. 2, Cause No. 236818. Respondent was sentenced to confinement in the Jefferson County Jail for ninety (90) days, assessed a fine in the amount of six hundred dollars (\$600.00), and court costs in the amount of two hundred thirty-three dollars (\$233.00). Respondent's confinement sentence was suspended and he was placed on probation for a period of one (1) year.
8. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/18/05@2148	341711	MEPERIDINE 25MG AMP	MEPERIDINE 25MG IV Q 4 HRS	2100	2100	NO
4/18/05@2310	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	0150	2300	25MG-0308
4/19/05@0406	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	NO	NO	NO
4/19/05@0601	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	NO	NO	25MG-0704
4/19/05@0601	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	0500	NO	NO
4/19/05@0602	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	0600	NO	NO
4/19/05@0603	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0656	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	NO	NO	NO

4/19/05@0703	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0738	345204	DIAZEPAM 10MG VIAL	NO ORDER; VALIUM 5MG PO NOW ORDERED ON 4/18/05@1720	NO	NO	NO
4/16/05@2328	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 2 HRS PRN	NO	NO	NO
4/17/05@2225	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 2 HRS PRN	NO	NO	NO
4/18/05@0430	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	0500	NO
4/19/05@0740	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could have resulted in an overdose.

9. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent misappropriated Meperidine, Lorazepam, Diazepam, and Hydromorphone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients in excess frequency and/or dosage of the physician's order, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/19/05@0601	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	0500	NO	NO
4/19/05@0603	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0703	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0602	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	0600	NO	NO
4/19/05@0656	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	NO	NO	NO
4/19/05@0738	345204	DIAZEPAM 10MG VIAL	NO ORDER; VALIUM 5MG PO NOW ORDERED ON 4/18/05@1720	NO	NO	NO
4/18/05@0102	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	0100	0100	NO.
4/18/05@0430	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	0500	NO
4/19/05@0740	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	NO	NO

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

12. On or about April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent lacked fitness to practice professional nursing in that Respondent was found unresponsive on the floor of the Intensive Care Unit (ICU) with a clammy appearance, diaphoretic, pale, and dozing off and on. Respondent was subsequently admitted to the facility's Emergency Department with an admitting diagnosis of "possible drug overdose." Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

13. On or about April 18, 2005, and April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent engaged in the intemperate use of Lorazepam, Meperidine, and Hydromorphone in that Respondent admitted to the use. Possession of Lorazepam, Meperidine, and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Lorazepam, Meperidine, and Hydromorphone by a 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.

14. On or about September 19, 2005, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas in which he answered "no" to the following question:

"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 pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PT's must be reported and are not considered minor traffic violations."

On or about August 29, 2003, Respondent plead guilty and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Jefferson County, Texas, Court at Law No. 2, Cause No. 236818.

15. Respondent's last known date of sobriety is April 19, 2005, as indicated in Finding of Fact Number Thirteen (13).

16. On or about August 9, 2005, Respondent satisfactorily completed the Jefferson County Council on Alcohol and Drug Abuse Right Choice Adult Outpatient Program

17. On or about December 15, 2006, Respondent submitted a letter from Debbie Blair, BSN, RN, Director of Emergency Department, The Medical Center of Southeast Texas, Port Arthur, Texas, which states that Respondent has been employed at The Medical Center of Southeast Texas since April 21, 2006, and has demonstrated nursing skills above and beyond his level as a nurse. Ms. Blair states that she is aware of the allegations made regarding Respondent's nursing practice and of the Board's request that Respondent's practice be monitored. Ms. Blair states that as the Director of the Emergency Department she will be glad to monitor Respondent's practice and is willing to address any other needs that the Board is requesting. Ms. Blair further states that during Respondent's employment, she has not seen or heard of Respondent being late to work or being impaired at work, and that she highly recommends Respondent as a nurse who cares not only about his job, but about patient care issues.

18. 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.

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 violations of Section 301.452(b)(2),(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D)(iv)(effective September 28, 2004), 22 TEX. ADMIN. CODE §§217.12(1)(effective September 1, 1999), and 217.12(1)(B)&(C),(5),(6)(G),(H)&(I),(10)(A)&(C)(effective September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, heretofore issued to DERIC PEVETO, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, previously issued to DERIC PEVETO, to practice professional and vocational nursing in Texas are hereby SUSPENDED with said suspension stayed, and RESPONDENT is placed on probation for a period of three (3) years with the following agreed terms of probation:

IT IS FURTHER ORDERED that Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, previously issued to DERIC PEVETO, 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 AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional and vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to DERIC PEVETO, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the stay of suspension, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**SHOULD RESPONDENT WORK AS A NURSE IN THE STATE OF TEXAS,
RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A**

HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) RESPONDENT SHALL notify all future employers in professional and/or vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in professional and/or vocational nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional and/or vocational nurse.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available

to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the probationary period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL NOT practice as a professional and/or vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional and/or vocational nurse.

(11) RESPONDENT SHALL NOT practice as a professional and/or vocational nurse in any critical care area for one (1) year of employment as a professional and/or vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery

units; however, Respondent will be allowed to maintain his current position in the Emergency Department of The Medical Center of Southeast Texas, Port Arthur, Texas, under the supervision of Debbie Blair, BSN, RN, Director of Emergency Department. Should Respondent's employment with The Medical Center of Southeast Texas cease during the first year of this Order, Respondent shall not practice as a professional and/or vocational nurse in any critical area for the remainder of the first year.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional and/or vocational nurse.

(13) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional and/or vocational nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional and/or vocational nurse.

(14) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods

of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(15) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's licenses, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

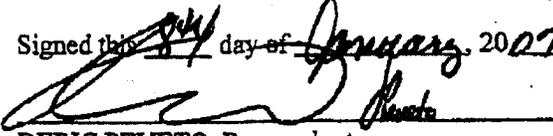
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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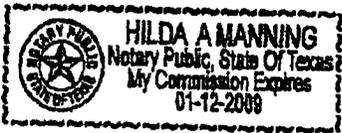
RESPONDENT'S CERTIFICATION

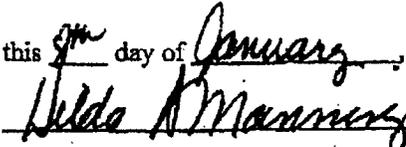
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 9th day of January, 2007.

DERIC PEVETO, Respondent

Sworn to and subscribed before me this 9th day of January, 2007.

SEAL




Notary Public in and for the State of _____

Approved as to form and substance.


J.B. WHITTENBURG, Attorney for Respondent

Signed this 9th day of January, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 8th day of January, 2007, by DERIC PEVETO, Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, and said Order is final.

Effective this 13th day of February, 2007.



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



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.
Stephanie Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 651283
issued to DERIC PEVETO

§
§
§

REINSTATEMENT
AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred as the Board, the Petition for Reinstatement of Registered Nurse License Number 651283, held by DERIC PEVETO, hereinafter referred to as Petitioner.

An informal conference was held on August 28, 2012, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, RN, Nurse Consultant, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Lamar University, Orange, Texas, on December 22, 1995. Petitioner was licensed to practice vocational nursing in the State of Texas on February 20, 1996. Petitioner received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 1, 1998. Petitioner was licensed to practice professional nursing in the State of Texas on June 16, 1998.

4. Petitioner's vocational and professional nursing employment history includes:

2/96 - 2001	LVN/RN	University of Texas Medical Branch Beaumont, Texas
1999 - 2000	RN	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01 - 4/05	RN	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
2005 - 2006	RN	Texas Home Health Beaumont, Texas
2006 - 2007	RN	The Medical Center of Southeast Texas Port Arthur, Texas
2/08 - 4/08	RN	University of Texas Medical Branch Beaumont, Texas
5/08 - 9/08	RN	Pace Setter's Personnel Service Houston, Texas
10/08 - 3/09	RN	Select Specialty Hospital Houston, Texas
4/09 - present	Not employed in nursing	

5. On February 13, 2007, Petitioner's licenses to practice vocational and professional nursing was Suspended, with the suspension Stayed and Petitioner was placed on probation for three (3) years by the Texas Board of Nursing. A copy of the February 13, 2007, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On September 10, 2010, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's licenses to practice vocational and professional nursing in the State of Texas. A copy of the September 10, 2010, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about May 25, 2012, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

8. Petitioner presented the following in support of his petition:
- 8.1. Judgment of Conviction, dated September 11, 2009, for the Class A Misdemeanor offense of DWI 2nd Offender (committed on August 1, 2009), Case No. 161774601010, in the County Criminal Court at Law No. 13, Harris County, Texas. Petitioner was sentenced to sixty (60) days county jail, suspension of driver's license for a period of twenty-four (24) months, and court costs of three hundred eighty-three dollars (\$383.00).
 - 8.2. Letter of support, dated May 15, 2012, from Keith and Beverly Vinson, Hemphill, Texas, states they have known Petitioner for four (4) years. He is one of the most pleasant young men they know. Petitioner has worked diligently to strengthen himself in body and in mind and return to good health. Petitioner is always ready and willing to lend a hand whenever anyone in the neighborhood needs it. Mr. and Mrs. Vinson are pleased to see Petitioner moving forward to rejoin his chosen profession. He has worked so hard to resolve past issues and they feel he has the commitment to be successful once again.
 - 8.3. Letter of support, dated May 21, 2012, from Peter E.C. Forrest, MD, Burkeville, Texas, states Petitioner's story is impressive and remarkable. His path is engaging on many levels and Dr. Forrest has been impressed that he may well be one of those who might hold great motivational potential to those in a culture so dominated by apparent addictive need/behaviors. Relapse is always a possibility with the alcoholic/addict and Dr. Forrest still chooses to urge every consideration be given to Petitioner.
 - 8.4. Letter of support, from Charles R. Pearson, MD, Many, Louisiana, states he has known Petitioner for two (2) years and has attended Alcoholics Anonymous meetings with him. Dr. Pearson can attest to his moral and ethical character and his sincerity in following the spiritual program of recovery. Dr. Pearson highly recommends Petitioner's reinstatement.
 - 8.5. Letter of support, dated May 21, 2012, from S.E. Morris, Hemphill, Texas, states he has known Petitioner since he began making Alcoholics Anonymous meetings at Hemphill Serenity Group three (3) years ago. The only time Petitioner has missed a meeting was when he was in the hospital. Petitioner has a real desire to better his life as well as the lives of those that know him. Mr. Morris gladly gives his recommendation for Petitioner's reinstatement.
 - 8.6. Letter of support from Pat Brandon Fussell, San Augustine, Texas, states he has been acquainted with Petitioner for approximately four (4) years. During that time, Mr. Fussell has known Petitioner to be a clean and sober member of a twelve step program, and a stable productive citizen with a genuine desire to help others. Mr. Fussell recommends Petitioner's license be reinstated.
 - 8.7. Letter of support, dated may 16, 2012, from Charlene Neal, Hemphill, Texas, states she has known Petitioner for about two (2) years. Ms. Neal finds Petitioner to be a very pleasant, intelligent and articulate individual who would be a great employee in the health field.

- 8.8. Letter of support from Sharon Poindexter, Sulphur, Louisiana, states she has known Petitioner for five (5) years. She has always known Petitioner to be extremely nurturing, dependable, and highly regarded among his peers. Ms. Poindexter realizes that Petitioner has had past transgressions that have caused him to stumble and lose his way in the past, but he has taken the necessary steps to correct the problems. Anyone who comes into contact with Petitioner walks away feeling better about themselves. Petitioner is exactly what the healthcare industry needs and he deserves a second chance.
- 8.9. Letter of support from Susan King, Hemphill, Texas, states Petitioner is a remarkable young man. He has always been compassionate and has always put everyone ahead of himself. He is loving, caring and kind with a spirit that is commendable. Petitioner has had many problems during his youth. He has been his own worst enemy, but has never intentionally hurt another person. The issues Petitioner has faced are not uncommon in many young people today. He has made some bad decisions, but has worked very hard to overcome the negative things that once ruled his world. Petitioner has not only gotten his life on track, but has helped so many in the community and continues to be an asset to his family and to strangers with whom he mentors on a daily basis. Ms. King recommends that Petitioner be allowed to practice his craft as a Registered Nurse once again.
- 8.10. Letter of support, dated May 17, 2012, from James D. Crain, Hemphill, Texas, states he has known Petitioner for the past three (3) years and speaks with him almost daily. Petitioner has always displayed a high degree of integrity, responsibility and desire to be a part of the Serenity group rather than apart from the group. Petitioner has shown a real desire to play an active role in his recovery by demonstrating that he can only keep what he has by giving it away. He has shown his inherent nurse abilities helping Mr. Crain through two (2) total knee replacements. Mr. Crain is happy to give Petitioner his wholehearted endorsement.
- 8.11. Letter of support, dated May 15, 2012, from Jean LeBlanc, RN, Hemphill, Texas, states he has known Petitioner for about three (3) years. Petitioner is a kind and empathetic person and an excellent listener. He constantly impresses Mr. LeBlanc with his broad base of knowledge about all things related to nursing. Petitioner's goal has always been to return to his profession and Mr. LeBlanc believes he should be able to do that.
- 8.12. Letter of support, dated April 20, 2012, from Donna Schrieber, Hemphill, Texas, states she is Petitioner's mother and that Petitioner has lived with her or in the apartment below her since September 2009. Ms. Schrieber has seen, eaten with, interacted and worked along side Petitioner daily since that time. On his coming home, Petitioner made a commitment to himself and his family that he would do everything humanly possible to get not only his life back in order, but would try to get his health back also. Petitioner has religiously worked his program, maintained a well balanced lifestyle, spend hours helping others with their recovery and taken good care of himself. The only AA meetings he has missed in almost three (3) years were when he was in the hospital. Having intimate knowledge of where his past failures started, and why they started, Ms. Schrieber can honestly say that he understands his own needs and knows what he must do to take care of himself and his future.

- 8.13. Letter of support, dated April 29, 2012, from Carol Schrieber, Hemphill, Texas, states he is Petitioner's step-father and has been there since Petitioner was thirteen (13) years old. Mr. Schrieber is writing to recommend that Petitioner be given a second chance to return to the nursing field. Mr. Schrieber truly feels that Petitioner has taken the necessary steps to warrant this consideration. Mr. Schrieber has witnessed Petitioner's dedication to this AA group and its members. He works the program religiously and has allowed himself to be mentored by people who have fifty (50) years of sobriety. He now has a path forward and the support of a group of people who genuinely care and he is paying it forward to those in need of recovery.
- 8.14. Letter of support, dated May 21, 2012, from Daryl Peveto, states he is Petitioner's brother and sincerely believes in his transformation from that of an addict to that of an incredibly responsible and thoughtful person. About two (2) years ago, Petitioner began to turn his life around. He moved in with their parents and began AA meetings. Petitioner's transformation has been nothing short of extraordinary. Petitioner is completely self-sufficient and works to take care of his chores as well as helping others.
- 8.15. Documentation of negative monthly drug screens dating from June 21, 2011, through August 8, 2012.
- 8.16. Documentation of support group attendance dating from August 19, 2010, through August 27, 2012.
- 8.17. Documentation of the minimum requirement of Continuing Education contact hours.
9. Petitioner gives August 1, 2009, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DERIC PEVETO, Registered Nurse License Number 651283, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to DERIC PEVETO, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) Petitioner SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, Petitioner SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) Petitioner SHALL notify all future employers in nursing of this Order of the Board and the stipulations on Petitioner'S license(s). Petitioner SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) Petitioner SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, Petitioner SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as Petitioner and immediately available to provide assistance and intervention. Petitioner SHALL work only on regularly assigned, identified and predetermined unit(s). The Petitioner SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Petitioner SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, Petitioner SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as Petitioner, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. Petitioner SHALL work only regularly assigned, identified and predetermined unit(s). Petitioner SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. Petitioner SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) Petitioner SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a nurse.

(10) Petitioner SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) Petitioner SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(12) Petitioner SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner'S capability to practice nursing. These reports shall be completed by the nurse who supervises the Petitioner. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) year(s) of employment as a nurse.

(13) Petitioner SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, Petitioner SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and Petitioner SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(14) Petitioner SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the Petitioner'S place of employment at any time during the stipulation period and require Petitioner to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Petitioner SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) Petitioner SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. Petitioner SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by Petitioner. Petitioner SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

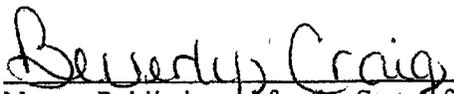
Signed this 17 day of September, 2012.



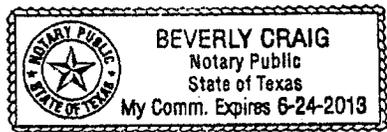
DERIC PEVETO, Petitioner

Sworn to and subscribed before me this 17 day of September, 2012.

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of September, 2012, by DERIC PEVETO, Registered Nurse License Number 651283, and said Order is final.

Effective this 18th day of October, 2012.



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

4. Respondent's vocational and professional nursing employment history includes:

2/96 - 2001	LVN/RN	University of Texas Medical Branch Beaumont, Texas
1999 - 2000	RN	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01 - 4/05	RN	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
2005 - 2006	RN	Texas Home Health Beaumont, Texas
2006 - 2007	RN	The Medical Center of Southeast Texas Port Arthur, Texas
2/08 - 4/08	RN	University of Texas Medical Branch Beaumont, Texas
5/08 - 9/08	RN	Pace Setter's Personnel Service Houston, Texas
10/08 - 3/09	RN	Select Specialty Hospital Houston, Texas
4/09 - present	Unknown	

5. On or about February 13, 2007, Respondent's licenses to practice vocational and professional nursing in the State of Texas were Suspended, with the suspension stayed and Respondent was placed on probation for three (3) years. A copy of the February 13, 2007, Agreed Order, Finding of Fact, Conclusions of Law and Order is attached and incorporated, by reference, as part of this Order.
6. Formal Charges were filed on November 19, 2008. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.

7. Formal Charges were mailed to Respondent on December 4, 2008.
8. On September 10, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational and professional nursing in Texas. A copy of Respondent's notarized statement is attached and incorporated, by reference, as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.

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)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) and (11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 156523, and Registered Nurse License Number 651283, heretofore issued to DERIC PEVETO, to practice vocational and professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational or registered nursing, use the title of vocational nurse or registered nurse or the abbreviation LVN or RN or wear any insignia identifying himself as a vocational nurse or registered nursing nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse or registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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



Effective this 20th day of September, 2010.

TEXAS BOARD OF NURSING

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

In the Matter of Vocational Nurse § BEFORE THE TEXAS
License Number 156523, and §
Registered Nurse License Number 651283, §
Issued to DERIC PEVETO, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DERIC PEVETO, is a Vocational Nurse holding license number 156523, which is in delinquent status at the time of this pleading, and a Registered Nurse holding license number 651283, 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 May 9, 2008, while employed with University of Texas Medical Branch, Galveston, Texas, Respondent engaged in the intemperate use of alcohol in that he produced a specimen for a 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) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A).

CHARGE II.

On or about May 9, 2008, while employed with University of Texas Medical Branch, Galveston, Texas, Respondent failed to comply with the Agreed Order issued to him on February 13, 2007, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Fourteen (14) of the Order which states, in pertinent part:

(14) RESPONDENT SHALL abstain from the consumption of alcohol....

A copy of the February 13, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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.bon.state.tx.us.

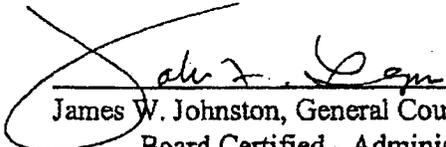
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS 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 February 13, 2007.



Filed this 17th day of November, 2008.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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: Agreed Order dated February 13, 2007

Doris Keith Perata

400 Kalyan Dr

Humble, Tx 75948

Area 787-1575

old address

300 Ferry Rd #603

Galveston, Tx 77550

RECEIVED
SEP 10 2011

DERIC PEVETO
300 Ferry Road, #603
Galveston, Texas 77550
Texas LVN License #156523 and Texas RN License #651283

Voluntary Surrender Statement

July 1, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational or professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature 

Date 6/30/10

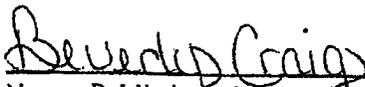
Texas Nursing License Number/s 651283

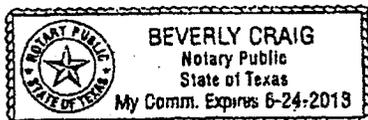
The State of Texas

Before me, the undersigned authority, on this date personally appeared DERIC PEVETO who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 30th day of June, 2010.

SEAL


Notary Public in and for the State of TEXAS



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 651283 § AGREED
and Vocational Nurse License Number 156523 §
issued to DERIC PEVETO § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DERIC PEVETO, A.K.A. DERIC KEITH PEVETO Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(9),(10),(12)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on September 17, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent completed a vocational nursing program at Lamar University-Orange, Orange, Texas, on December 22, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on February 20, 1996. Respondent received an Associate Degree in Nursing from Lamar University, Port Arthur, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 16, 1998.

5. Respondent's nursing employment history includes:

2/96-Unknown	Staff Nurse (LVN/RN)	University of Texas Medical Branch (UTMB) Beaumont, Texas
1999-2000	Staff Nurse (RN)	Memorial Hermann Baptist Orange Hospital Orange, Texas
9/01-4/05	Staff Nurse (RN)	Memorial Hermann Baptist Beaumont Hospital Beaumont, Texas
4/05-3/06	Unknown	
4/06-Present	Staff Nurse (RN)	The Medical Center of Southeast Texas Port Arthur, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, and had been in this position for approximately one (1) year and seven (7) months.
7. On or about April 22, 2003, Respondent was arrested in Jefferson County, Texas, by the Texas Department of Public Safety for "Driving While Intoxicated" after Respondent was observed to be unable to maintain a single lane of traffic and driving off the highway before coming to a stop against the guardrail. On or about August 29, 2003, Respondent plead guilty and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Jefferson County, Texas, Court at Law No. 2, Cause No. 236818. Respondent was sentenced to confinement in the Jefferson County Jail for ninety (90) days, assessed a fine in the amount of six hundred dollars (\$600.00), and court costs in the amount of two hundred thirty-three dollars (\$233.00). Respondent's confinement sentence was suspended and he was placed on probation for a period of one (1) year.
8. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs), Nurses Notes, or both, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/18/05@2148	341711	MEPERIDINE 25MG AMP	MEPERIDINE 25MG IV Q 4 HRS	2100	2100	NO
4/18/05@2310	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	0150	2300	25MG-0308
4/19/05@0406	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	NO	NO	NO
4/19/05@0601	341711	MEPERIDINE 75MG AMP	MEPERIDINE 50-75MG IV PRN-ORDER LATER APPROVED BY DR. BUT NOT ORIGINALLY ORDERED BY DR.	NO	NO	25MG-0704
4/19/05@0601	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	0500	NO	NO
4/19/05@0602	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	0600	NO	NO
4/19/05@0603	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0656	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	NO	NO	NO

4/19/05@0703	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0738	345204	DIAZEPAM 10MG VIAL	NO ORDER; VALIUM 5MG PO NOW ORDERED ON 4/18/05@1720	NO	NO	NO
4/16/05@2328	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 2 HRS PRN	NO	NO	NO
4/17/05@2225	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 2 HRS PRN	NO	NO	NO
4/18/05@0430	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	0500	NO
4/19/05@0740	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	NO	NO

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients which could have resulted in an overdose.

9. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent misappropriated Meperidine, Lorazepam, Diazepam, and Hydromorphone belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. On or about April 18, 2005, through April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent withdrew Meperidine, Lorazepam, Diazepam, and Hydromorphone from the Pyxis medication dispensing system for patients in excess frequency and/or dosage of the physician's order, as follows:

DATE/TIME	PATIENT	PYXIS	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/19/05@0601	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	0500	NO	NO
4/19/05@0603	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0703	341711	MEPERIDINE 25MG	MEPERIDINE 25MG IV Q 4 HRS	NO	NO	NO
4/19/05@0602	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	0600	NO	NO
4/19/05@0656	341711	LORAZEPAM 2MG	LORAZEPAM 2MG IV Q 8 HRS	NO	NO	NO
4/19/05@0738	345204	DIAZEPAM 10MG VIAL	NO ORDER; VALIUM 5MG PO NOW ORDERED ON 4/18/05@1720	NO	NO	NO
4/18/05@0102	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	0100	0100	NO
4/18/05@0430	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	0500	NO
4/19/05@0740	343244	HYDRO- MORPHONE 2MG	DILAUDID 2MG IV Q 6 HRS	NO	NO	NO

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

12. On or about April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent lacked fitness to practice professional nursing in that Respondent was found unresponsive on the floor of the Intensive Care Unit (ICU) with a clammy appearance, diaphoretic, pale, and dozing off and on. Respondent was subsequently admitted to the facility's Emergency Department with an admitting diagnosis of "possible drug overdose." Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

13. On or about April 18, 2005, and April 19, 2005, while employed with Memorial Hermann Baptist Beaumont Hospital, Beaumont, Texas, Respondent engaged in the intemperate use of Lorazepam, Meperidine, and Hydromorphone in that Respondent admitted to the use. Possession of Lorazepam, Meperidine, and Hydromorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Lorazepam, Meperidine, and Hydromorphone by a 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.

14. On or about September 19, 2005, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas in which he answered "no" to the following question:

"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 pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PT's must be reported and are not considered minor traffic violations."

On or about August 29, 2003, Respondent plead guilty and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Jefferson County, Texas, Court at Law No. 2, Cause No. 236818.

15. Respondent's last known date of sobriety is April 19, 2005, as indicated in Finding of Fact Number Thirteen (13).
16. On or about August 9, 2005, Respondent satisfactorily completed the Jefferson County Council on Alcohol and Drug Abuse Right Choice Adult Outpatient Program
17. On or about December 15, 2006, Respondent submitted a letter from Debbie Blair, BSN, RN, Director of Emergency Department, The Medical Center of Southeast Texas, Port Arthur, Texas, which states that Respondent has been employed at The Medical Center of Southeast Texas since April 21, 2006, and has demonstrated nursing skills above and beyond his level as a nurse. Ms. Blair states that she is aware of the allegations made regarding Respondent's nursing practice and of the Board's request that Respondent's practice be monitored. Ms. Blair states that as the Director of the Emergency Department she will be glad to monitor Respondent's practice and is willing to address any other needs that the Board is requesting. Ms. Blair further states that during Respondent's employment, she has not seen or heard of Respondent being late to work or being impaired at work, and that she highly recommends Respondent as a nurse who cares not only about his job, but about patient care issues.

18. 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.

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 violations of Section 301.452(b)(2),(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D)(iv)(effective September 28, 2004), 22 TEX. ADMIN. CODE §§217.12(1)(effective September 1, 1999), and 217.12(1)(B)&(C),(5),(6)(G),(H)&(I),(10)(A)&(C)(effective September 28, 2004).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, heretofore issued to DERIC PEVETO, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, previously issued to DERIC PEVETO, to practice professional and vocational nursing in Texas are hereby SUSPENDED with said suspension stayed, and RESPONDENT is placed on probation for a period of three (3) years with the following agreed terms of probation:

IT IS FURTHER ORDERED that Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, previously issued to DERIC PEVETO, 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 AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice professional and vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to DERIC PEVETO, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the stay of suspension, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**SHOULD RESPONDENT WORK AS A NURSE IN THE STATE OF TEXAS,
RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A**

HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(6) RESPONDENT SHALL notify all future employers in professional and/or vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in professional and/or vocational nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional and/or vocational nurse.

(8) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available

to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the probationary period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL NOT practice as a professional and/or vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional and/or vocational nurse.

(11) RESPONDENT SHALL NOT practice as a professional and/or vocational nurse in any critical care area for one (1) year of employment as a professional and/or vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery

units; however, Respondent will be allowed to maintain his current position in the Emergency Department of The Medical Center of Southeast Texas, Port Arthur, Texas, under the supervision of Debbie Blair, BSN, RN, Director of Emergency Department. Should Respondent's employment with The Medical Center of Southeast Texas cease during the first year of this Order, Respondent shall not practice as a professional and/or vocational nurse in any critical area for the remainder of the first year.

(12) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional and/or vocational nurse.

(13) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional and/or vocational nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional and/or vocational nurse.

(14) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods

of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(15) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's licenses, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

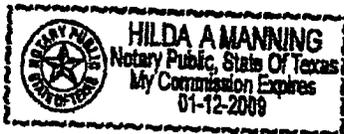
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 8th day of January, 2007.

[Signature]
DERIC PEVETO, Respondent

Sworn to and subscribed before me this 9th day of January, 2007.

SEAL



[Signature]

Notary Public in and for the State of _____

Approved as to form and substance.

[Signature]
J.B. WHITTENBURG, Attorney for Respondent

Signed this 9th day of January, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 8th day of January, 2007, by DERIC PEVETO, Registered Nurse License Number 651283, and Vocational Nurse License Number 156523, and said Order is final.

Effective this 13th day of February, 2007.



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