

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 130048
ISSUED TO
DONNA SHARLANE WILSON

§
§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Donna Sharlane Wilson
103 Chris St
Jasper, Texas 75951

During open meeting held in Austin, Texas, on Tuesday, February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 130048, previously issued to DONNA SHARLANE WILSON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING



BY:

Katherine A. Thomas

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

Attachment: Formal Charge filed December 2, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Donna Sharlane Wilson
103 Chris St
Jasper, Texas 75951

BY:



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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN
Executive Director

December 5, 2011

Certified Mail No. 71 7108 2133 3939 1429 5536

Return Receipt Requested

Donna Sharlane Wilson
103 Chris St
Jasper, Texas 75951

Dear Ms. Wilson:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Tamika Rose, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

Members of the Board

Kristin Benton, MSN, RN
Austin, President

Deborah Bell, CLU, ChFC Arlene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Hartlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury	Mary M. LeBeck, MSN, RN Weatherford	Josefina Lujan, PhD, RN El Paso	Beverley Jean Nutall, LVN Bryan	Mary Jane Saigado, MEd San Antonio	Kathleen Shipp, MSN, RN, FNP Lubbock

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 130048, Issued to §
DONNA SHARLANE WILSON, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA SHARLANE WILSON, is a Vocational Nurse holding license number 130048, which is in delinquent 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 10, 1995, Respondent plead guilty to Possession of a Controlled Substance, a State Jail Felony, in the 155th Judicial Court of Fayette County, Texas, Cause No. 95R-025. Respondent's adjudication of guilt was deferred and she was sentenced to court supervision for a period of five (5) years, and ordered to pay a fine and court cost.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(9)(effective 9/1/1993), and is a violation of 22 TEX. ADMIN. CODE §239.11(28)&(29)(effective 5/1/1995).

CHARGE II.

On or about February 5, 1999, Respondent engaged in the intemperate use of cocaine, marijuana, and benzodiazepines as evidenced by a positive court-ordered drug screen. On or about May 18, 1999, Respondent was issued an Order Amending Conditions of Probation (Deferred Adjudication), in the 155th District Court of Fayette County, Texas, Cause No. 95R-025, which ordered Respondent to remain in the substance abuse felony punishment facility for no more than one (1) year. On or about May 28, 1999, Respondent was issued an Order Amending Conditions of Probation (Deferred Adjudication), in the 155th District Court of Fayette County, Texas, Cause No. 95R-025, which extended Respondent's term of supervision for twelve (12) months, until May 10, 2001

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(8)&(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(28)&(29)(effective 3/1/1998).

CHARGE III.

On or about August 27, 2003, Respondent plead Guilty and was convicted of DRIVING WHILE INTOXICATED, a Misdemeanor offense committed on January 23, 2003, in the County Court at Law No. 2 of Smith County, Texas, under Cause No. 002-81277-03. As a result of the plea, Respondent was sentenced to confinement in the Smith County Jail for a period of forty-five (45) days, with credit given for forty-five (45) days, and ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(effective 9/1/2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 12/1/2002)

CHARGE IV.

On or about January 23, 2008, Respondent pled Guilty and was convicted of CRIMINAL MISCHIEF, a Class B misdemeanor offense committed on December 7, 2007, in the County Court at Law of Washington County Texas, under Cause No. 08-63. As a result of the conviction, Respondent was sentenced to confinement in the Washington County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months, and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §27.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

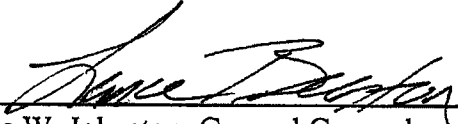
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can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

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the 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 April 28, 2004.

Filed this 20th day of December, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated April 28, 2004

D/2010.12.28

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 577198 § AGREED
issued to DONNA SHARLANE WILSON § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 577198, issued to DONNA SHARLANE WILSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived 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.
4. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas. Respondent was licensed to practice professional nursing in the State of Texas in March 1992.
5. Respondent's professional employment history is unknown.
6. On or about October 26, 1994, Respondent was arrested in La Grange, Texas, for Possession of a Controlled Substance, a State Jail Felony. On or about May 10, 1995, Respondent plead guilty to Possession of a Controlled Substance, a State Jail Felony, in the 155th Judicial Court of Fayette County, Texas, Cause No. 95R-025. Respondent's adjudication of guilt was deferred and she was sentenced to court supervision for a period of five (5) years, assessed

a two thousand dollar (\$2000.00) fine, court costs in the amount of one hundred twenty-four dollars and fifty cents (\$124.50), and two hundred forty (240) hours of community service.

7. On or about February 5, 1999, Respondent engaged in the intemperate use of cocaine, marijuana, and benzodiazepines as evidenced by a positive court-ordered drug screen. On or about May 18, 1999, Respondent was issued an Order Amending Conditions of Probation (Deferred Adjudication), in the 155th District Court of Fayette County, Texas, Cause No. 95R-025, which ordered Respondent to remain in the substance abuse felony punishment facility for no more than one (1) year. On or about May 28, 1999, Respondent was issued an Order Amending Conditions of Probation (Deferred Adjudication), in the 155th District Court of Fayette County, Texas, Cause No. 95R-025, which extended Respondent's term of supervision for twelve (12) months, until May 10, 2001.
8. On or about January 23, 2003, Respondent was arrested in Tyler, Texas, for Driving While Intoxicated, a Class B Misdemeanor. On or about August 27, 2003, Respondent plead guilty to Driving While Intoxicated, a Misdemeanor, in the Smith County, Texas, Court at Law 2, Cause No. 002-81277-03. Respondent was assessed a punishment of a fine in the amount of one hundred dollars (\$100.00) and forty-five (45) days confinement in the county jail with credit for time served.
9. Charges were filed on October 8, 2003.
10. Charges were mailed to Respondent on October 10, 2003.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
12. 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.
13. 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 Article 4525(b)(8)&(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1), and a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 577198, heretofore issued to DONNA SHARLANE WILSON, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 577198, heretofore issued to DONNA SHARLANE WILSON, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to DONNA SHARLANE WILSON, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. 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.

4. 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 multistate privilege, if any, to practice professional nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 22 day of April, 2004.

Donna Sharlane Wilson
DONNA SHARLANE WILSON, Respondent

Sworn to and subscribed before me this 22 day of April, 2004.



Kathy Billingsley
Notary Public in and for the State of Texas

Approved as to form and substance.

Thomas Kerr
THOMAS KERR, Attorney for Respondent

Signed this 22nd day of April, 2004.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 577198, previously issued to DONNA SHARLANE WILSON.

Effective this 28th day of April, 2004.



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