



*Katherine A. Thomas*  
Executive Director of the 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.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 571577 § AGREED  
and Vocational Nurse License Number 129403 §  
issued to SAMUEL DEAVILA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SAMUEL DEAVILA, Registered Nurse License Number 571577 and Vocational Nurse License Number 129403, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ANN. 4525(b)(2)&(9)(effective 9/1/1989), and Section 301.452(b)(2)&(10) Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 29, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived informal proceedings, 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 a Certificate in Vocational Nursing from El Paso Community College, El Paso, Texas, on August 10, 1990, and a Baccalaureate Degree in Nursing from University of Texas, El Paso, El Paso, Texas, on May 1, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990 and Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.
5. Respondent's nursing employment history is unknown.

6. On or about May 11, 1991, Respondent submitted a Registration by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose the following:

On or about July 27, 1984, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class A Misdemeanor offense committed on July 21, 1984, in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 0780569. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) months, and ordered to pay a fine and court costs.

7. On or about October 8, 2009, Respondent was arrested by the El Paso Police Department, El Paso, Texas, and subsequently charged under Cause No. 20090C11290 with DRIVING WHILE INTOXICATED (a Class B misdemeanor offense). On or about November 18, 2010, Cause No. 20090C11290 was dismissed in the County Court at Law No. 4 of El Paso County, Texas, due to Respondent's successful completion of the Pre-Trial Diversion Program.
8. On or about January 17, 2010, Respondent submitted a Online Renewal Document Registered Nurse to the Texas Board of Nursing in which Respondent provided false, deceptive, and/or misleading information in that Respondent answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose that on or about October 8, 2009, Respondent was arrested by the El Paso Police Department, El Paso, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

9. On February 24, 2012, Respondent was seen by Sean G. Connolly, Ph.D., to undergo a Chemical Dependency Evaluation. Dr. Connolly stated the following: Samuel DeAvila is a 49 year-old man whose psychological testing presents him as a well-defended individual who is very guarded in dealing with his emotional world and who tends to present an emphatic refusal to admit to any fault or impropriety that might be held against him. Such an approach to the questionnaires administered may result in some under-reporting of any difficulties. He apparently has had four DWI's over a span of fifteen years, but denies any ongoing abuse of alcohol, and relates that he uses alcohol at business or social gatherings. However, having had four DWI's, for a professional, would indicate some poor judgment, lack of recognition of the significant consequences of his behavior, a certain carelessness or lack of internal controls to manage his behavior in a more responsible way, and the need to address his drinking behavior through counseling. Even though these charges, apparently, were dismissed, the repetitiveness and lack of self-protection and prudent responsibility in these situations does raise questions about his judgment. This in conjunction with his considerable defensiveness and guardedness in responding to the questionnaires, does indicate some lack of psychological insight. He does meet the criteria of "borderline" addictive personality the configurations would indicate the absence of any emotional distress, as well as the psychological resources to manage his behavior in a responsible way. However, the pattern of DWI's does indicate a need to manage his behavior more responsibly. Psychotherapeutic treatment is recommended for more responsible management of his emotions and behavior control addictive tendencies to learn about how to manage hostility and resentment in a healthier way, control impulses, and meet his professional responsibilities. In addition to traditional psychological counseling, chemical dependency counseling from and Licensed Chemical Dependency Counselor (LCDC) would seem appropriate.
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.
11. Formal Charges were filed on December 6, 2011.
12. Formal Charges were mailed to Respondent on December 8, 2011.

#### CONCLUSIONS OF LAW

- I. 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 TEX. REV. CIV. STAT. ANN. 4525(b)(2)&(9)(effective 9/1/1989), and Section 301.452(b)(2)&(10), Texas Occupations Code. and 22 TEX. ADMIN. CODE §217.13(15)(effective 9/1/1987), and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
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 571577 and Vocational Nurse License Number 129403, heretofore issued to SAMUEL DEAVILA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply 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 this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship

between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

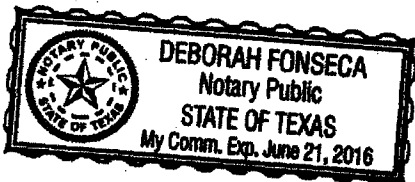
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of July, 2012

[Signature]  
SAMUEL DEAVILA, Respondent

Sworn to and subscribed before me this 16<sup>th</sup> day of July, 2012.

SEAL



DEBORAH FONSECA [Signature]

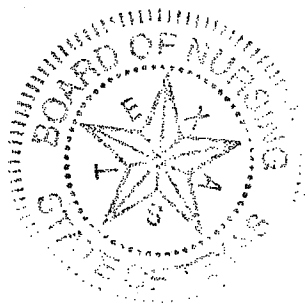
Notary Public in and for the State of TEXAS.

Approved as to form and substance.

[Signature]  
Victor R. Parra, Attorney for Respondent

Signed this 16 day of July, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of July, 2012, by SAMUEL DEAVILA, Registered Nurse License Number 571577 and Vocational Nurse License Number 129403, and said Order is final.



Effective this 14th day of August, 2012.

*Katherine A. Thomas*

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

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: 8/07/12  
Signed: [Signature]