



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 659379 §
issued to DANA BETH DEFFENDALL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANA BETH DEFFENDALL, Registered Nurse License Number 659379, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 28, 2011, 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(s).
2. Respondent waived representation by counsel, 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 an Associate Degree in Nursing from Southeast Missouri Hospital College, Cape Girardeau, Missouri on June 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on April 16, 1999.
5. Respondent's complete professional nursing employment history is unknown.
6. At the time of the incidents described in Findings of Fact Numbers Seven (7) through Nine (9), Respondent was employed as a Registered Nurse with St. Luke's The Woodlands Hospital, The Woodlands, Texas and had been in this position for an unknown period of time.

7. On or about July 8, 2009 through August 1, 2009, while employed as a Registered Nurse with St. Luke's The Woodlands Hospital, The Woodlands, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Pyxis) for patients without valid physician's orders as indicated below:

DATE	PATIENT	E.R. PHYSICIAN'S ORDERS	E.R. PYXIS RECORDS	E.R. MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
07/08/2009	02717452	None	Dilaudid 2mg Vial withdrawn @ 12:17	None	None	None
07/09/2009	02387911	None	Dilaudid 2mg Vial withdrawn @ 13:59	None	None	None
07/17/2009	02854702	None	Dilaudid 2mg Vial withdrawn @ 08:40	None	None	None
"	"	"	Dilaudid 2mg Vial withdrawn @ 10:30	None	None	None
07/31/2009	02514399	None	Dilaudid 2mg Vial withdrawn @ 14:13	None	None	None
08/01/2009	02592004	None	Dilaudid 2mg Vial withdrawn @ 14:13	None	None	None

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

8. On or about July 8, 2009 through August 1, 2009, while employed as a Registered Nurse with St. Luke's The Woodlands Hospital, The Woodlands, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Pyxis) for patients and failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications as indicated below:

DATE	PATIENT	E.R. PHYSICIAN'S ORDERS	E.R. PYXIS RECORDS	E.R. MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
07/08/2009	02717452	None	Dilaudid 2mg Vial withdrawn @ 12:17	None	None	None
07/09/2009	02387911	None	Dilaudid 2mg Vial withdrawn @ 13:59	None	None	None
07/17/2009	02854702	None	Dilaudid 2mg Vial withdrawn @ 08:40	None	None	None
"	"	"	Dilaudid 2mg Vial withdrawn @ 10:30	None	None	None
07/31/2009	02514399	None	Dilaudid 2mg Vial withdrawn @ 14:13	None	None	None
08/01/2009	02592004	None	Dilaudid 2mg Vial withdrawn @ 14:13	None	None	None

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).

9. On or about July 8, 2009 through August 1, 2009, while employed as a Registered Nurse with St. Luke's The Woodlands Hospital, The Woodlands, Texas, Respondent misappropriated Dilaudid from 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 medications.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she did not administer any medications to any patients without at least a verbal order from the physician. Respondent further states that her charting and follow-up may have been lacking.

11. On June 13, 2011, Respondent submitted to Dr. J. Ray Hays for a required Chemical Dependency evaluation. On July 23, 2011, Dr. J. Ray Hays submitted the following evaluation:

Regarding any substance abuse, Ms. Deffendall reported that she has never used street drugs at any time. She reported that she drinks a glass of wine with dinner every once in a while. She denied any period of problem usage of alcohol. She reported that she smokes approximately one pack of cigarettes per day. Ms. Deffendall stated that at the time of the work-related incident in 2009, she did not want to take a urine test because she had taken a Xanax medication that day, and was concerned this would negatively affect her situation. She stated that she took the Xanax for a period of about eight weeks in May through August 2009, due to inability to sleep well, and having nightmares.

Summary and Conclusions:

Dana Beth Deffendall is a 40-year-old female who was referred by the BON for an evaluation. Ms. Deffendall currently lives in Magnolia, Texas, and is employed full-time as director of nursing services at Ten-ace Assisted Living in The Woodlands. Psychological testing of Ms. Deffendall yielded findings that were within normal limits. There were no findings on psychological testing that suggested she is experiencing any symptoms of psychological or emotional distress. Findings from the clinical interview, and psychological testing suggested that Ms. Deffendall is stable from a psychological standpoint. Results both on interview, and on psychological test instruments which assess drug and alcohol abuse, yielded the finding that there is no problem usage or dependence upon illicit substances in Ms. Deffendall at the present time. She reported occasional wine with dinner, and no other alcohol use. On interview, Ms. Deffendall appeared candid to both examiners and had a plausible explanation for the lack of documentation of medications. She stated that she has never had work-related problems of this type, trains others, and is very dedicated to her work as a nurse. She took responsibility for not charting immediately and accurately. She appeared to be aware of this problem, and stated that she has always tried to learn from her mistakes. In closing, based on all the data obtained, it is our opinion that Ms. Deffendall is fully capable of maintaining her licensure as a nurse. Interview and test results do not suggest that she has any impairment in her ability to act in accordance to the Board's rules and standards set in the Texas Administrative Code for nurses. From the interview and psychological test results, it is our opinion that Ms. Dana Beth Deffendall is capable of avoiding behaviors that constitute unprofessional conduct if she is allowed to continue to maintain her nursing license. No recommendations on behalf of Ms. Deffendall are being made.

12. 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.
13. Charges were filed on March 29, 2011.
14. Charges were mailed to Respondent on March 31, 2011.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(C),(6)(G),(8)&(10)(C).
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 659379, heretofore issued to DANA BETH DEFFENDALL, 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 WARNING 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete a course in Texas nursing jurisprudence and 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. 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. 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 may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, 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, RESPONDENT 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. *Information regarding Board-approved courses may be found at the following Board website address:*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE 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 STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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.

(4) RESPONDENT SHALL CAUSE each present employer in 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 nurse.

(5) RESPONDENT 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 RESPONDENT, 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 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.

(6) 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 nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. 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 one (1) year(s) of employment as a nurse.

(7) 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 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.

(8) 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 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. 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 RESPONDENT'S place of employment at any time during the stipulation 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 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 Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

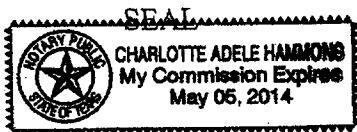
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 24 day of October, 2011.

Dana Beth Deffendall
DANA BETH DEFFENDALL, Respondent

Sworn to and subscribed before me this 24 day of October, 2011.



Charlotte Hammons

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of October, 2011, by DANA BETH DEFFENDALL, Registered Nurse License Number 659379, and said Order is final.

Effective this 13th day of December, 2011.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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