



6. On or about August 13, 1993, Respondent was arrested by the Angelina County Sheriff's Office, Lufkin, Texas, for AGGRAVATED ASSAULT CAUSES SERIOUS BODILY INJURY (a 3rd Degree Felony offense committed on August 12, 1993).

On or about December 7, 1993, Respondent entered a plea of Nolo Contendere to the lesser included charge of RECKLESS CONDUCT (a Class A misdemeanor offense committed on August 12, 1993), in the 217th Judicial District Court of Angelina County, Texas, under Cause No. 17,480. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about October 4, 1996, Respondent was arrested by the Angelina County Sheriff's Office, Lufkin, Texas, for MURDER INTENTIONALLY CAUSE DEATH (a 1st Degree Felony offense committed on August 11, 1996).

On or about December 5, 1996, Respondent entered a plea of Not Guilty and was convicted of MURDER (a 1st Degree Felony offense committed on August 11, 1996), in the 159th/217th District Court of Angelina County, Texas, under Cause No. 19,058. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of thirty-two (32) years. Additionally, Respondent was ordered to pay court costs.

8. Formal Charges were filed on March 29, 2011.

9. Formal Charges were mailed to Respondent on March 30, 2011.

10. On October 10, 2012, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated October 2, 2012, is attached and incorporated herein by reference as part of this Order.

#### 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 cause pursuant to TEX. REV. CIV. STAT. ART. 4525(b)(9)(eff 9/93) and 4525(b)(3)&(9) (eff 9/95), to take disciplinary action against Vocational Nurse License Number 88699, heretofore issued to DESIREE A SHAW (RICHARDSON), including revocation of Respondent's license(s) to practice nursing in the State of Texas.

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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 88699, heretofore issued to DESIREE A SHAW(RICHARDSON), to practice 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 nursing, use the title of vocational nurse or the abbreviation of LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational 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.
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 nursing in the State of Texas.

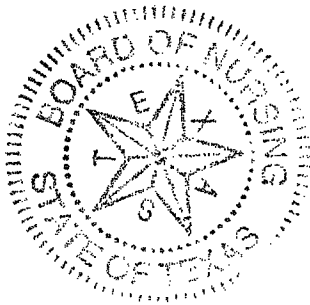
Effective this 11th day of October, 2012.

TEXAS BOARD OF NURSING

By:



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



SOAH NO. 507-12-7473

Desiree A. Shaw (Richardson)  
TDC#00769352  
1401 State School Road  
Gatesville, Texas 76599

Vocational Nurse License Number 88699

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas.

I waive representation by counsel. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. 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 Desiree Shaw  
Date October<sup>DS</sup> 02  
September, 2012

Vocational Nurse License Number 88699

Desiree Ann Shaw (Richardson) TDC#00769352  
1401 State School Road  
Gatesville, Texas 76599

The State of Texas

Before me, the undersigned authority, on this date personally appeared DESIREE A SHAW (RICHARDSON) who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the \_\_\_\_\_ day of October 02  
September<sup>DS</sup>, 2012.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

\* Insufficient Justification for Notary.  
\* T.D.C. officer Sampson at Crain Unit law library refused to notarize V.S.F. without written request for notary by the Texas Board of Nursing. 10-02-2012@ 11:45 AM  
Second Unsworn Declaration. Attached / Enclosed. DS

DOCKET NUMBER 507-97-2220

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
CERTIFICATE NUMBER 508537	§	
	§	NURSE EXAMINERS
ISSUED TO	§	
DESIREE A. SHAW	§	FOR THE STATE OF TEXAS

ORDER OF THE BOARD

TO: DESIREE A SHAW  
Post Office Box 555  
Diboll, TX 75941

*and*

TDC 769352  
Lucile Plain Unit  
Route 3, Box 8000B  
Tayton, TX 77535

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as fully set out and separately stated herein with the following correction of the statutory citation in Conclusions of Law Number 5 to delete the reference to Tex. Rev. Civ. Stat. Ann. art. 4525 (b) (9) and 22 Tex. Admin. Code §217.13(17) and to add Tex. Rev. Civ. Stat. Ann. art. 4525 (b) (3).

NOW, THEREFORE, IT IS ORDERED that License Number 508537 previously issued to DESIREE A. SHAW to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that License Number 508537 previously issued to DESIREE A. SHAW upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 21st day of April, 1998.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY:



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

DOCKET NUMBER 507-97-2220

IN THE MATTER OF PERMANENT  
CERTIFICATE NUMBER 508537

ISSUED TO  
DESIREE A. SHAW

§  
§  
§  
§  
§

BEFORE THE BOARD OF  
NURSE EXAMINERS  
FOR THE STATE OF TEXAS

ORDER OF THE BOARD

TO: DESIREE A SHAW  
Post Office Box 555  
Diboll, TX 75941

*and*

TDC 769352  
Lucile Plain Unit  
Route 3, Box 8000B  
Tayton, TX 77535

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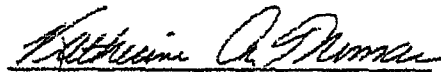
NOW, THEREFORE, IT IS ORDERED that License Number 508537 previously issued to  
DESIREE A. SHAW to practice professional nursing in the State of Texas be, and the same is  
hereby, REVOKED.

IT IS FURTHER ORDERED that License Number 508537 previously issued to DESIREE  
A. SHAW upon receipt of this Order, be immediately delivered to the office of the Board of Nurse  
Examiners for the State of Texas.

Entered this 21st day of April, 1998.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY:

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

DOCKET NO. 507-97-2220

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
PERMANENT CERTIFICATE	§	
NUMBER 508537	§	OF
ISSUED TO	§	
	§	
DESIREE A. SHAW	§	ADMINISTRATIVE HEARINGS

### PROPOSAL FOR DECISION

Staff of the Board of Nurse Examiners (Staff) brought this case seeking to revoke the license of Desires A. Shaw (Respondent) to practice professional nursing. Respondent failed to appear at the hearing, and this proposal recommends revocation of the license.

#### I. BACKGROUND

The hearing convened on January 14, 1998, before John H. Beeler, Administrative Law Judge, State Office of Administrative Hearings. William E. Hopkins, General Counsel for the Board, represented Staff. Respondent did not appear and was not represented at the hearing.

There are no contested issues of jurisdiction or notice in this proceeding. Those matters are set out in the Findings of Fact and Conclusions of Law.

#### II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 22 TEX. ADMIN. CODE § 213.22, the Administrative Law Judge recommends a default judgment revoking Respondent's license to practice professional nursing.

#### III. FINDINGS OF FACT

1. Desiree A. Shaw (Respondent), a nurse licensed by the Board of Nurse Examiners (the Board), holds license number 508537.
2. The Staff of the Board (Staff) mailed formal charges to the Respondent on November 14, 1997. The charges were sent to the Respondent by certified mail, return receipt requested, at P.O. 555, Diboll, Texas 75941, her address of record with the Board.

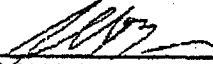
3. The formal charges described in Finding of Fact No. 2 were returned to the Board marked "Unclaimed."
4. A registered nurse must notify the Board in writing within ten days of any change of address. 22 TEX. ADMIN. CODE §217.10.
5. On December 5, 1997, the Staff mailed notice of the hearing to Respondent at the address set out in Finding of Fact No. 2, by certified mail, return receipt requested, and was received at Respondent's address on December 11, 1997
6. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
7. The notice of hearing also contained the following language in capital letters in 12-point boldface type:  
  
**FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE ALLEGATIONS AGAINST YOU IN THE FORMAL CHARGES CONTAINED IN THIS NOTICE OF HEARING BEING ADMITTED AS TRUE.**
8. Respondent did not appear and was not represented at the hearing.
9. Staff filed a motion for default judgment, together with an affidavit from counsel stating there was legally admissible, credible evidence reasonably available to support the factual allegations against Respondent in the formal charges.
10. In formal charges filed against Respondent, Staff alleged that on or about December 1, 1996, Respondent was convicted of Murder in the 159th District Court of Angelina County, Texas, case number 19, 058.

#### IV. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon 1997).
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon 1997).
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. Ch. 2001 (Vernon 1997) and 22 TEX. ADMIN. CODE §§ 213.10 and 213.22.

4. The Board's formal charges, set out in Finding of Fact No. 10, are deemed admitted as true pursuant to 22 TEX. ADMIN. CODE §213.22.
5. Respondent's actions constitute sufficient cause for disciplinary action against license number 508537, pursuant to TEX. REV. CIV. STAT. ANN. art. 4525(b)(9) and 22 TEX. ADMIN. CODE §217.13(17).
6. Based on the foregoing, the Board is warranted in revoking Respondent's license to practice professional nursing in Texas.

SIGNED this 26<sup>th</sup> day of February, 1998.

  
\_\_\_\_\_  
JOHN H. BEELER  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of Permanent License  
Number 508537, Issued to  
DESIREE A. SHAW, Respondent

§  
§  
§

BEFORE THE BOARD  
OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

### FORMAL CHARGES

This is a disciplinary proceeding under Article 4525(b), Texas Revised Civil Statutes, Annotated, as amended. Respondent, DESIREE A. SHAW, is a Registered Nurse holding license number 508537, 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 December 5, 1996, Respondent was convicted of Murder in the 159th District Court of Angelina County, Lufkin, Texas, case number 19,058.

The above action constitutes a violation of Article 4525(b)(3), TEX. REV. CIV. STAT. ANN.

NOTICE IS GIVEN that staff may present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 Texas Administrative Code, Section 213.33.

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NOTICE IS GIVEN that all statutes and rules cited in this Charge are attached and incorporated as a part of this pleading.

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

By: \_\_\_\_\_  
William E. Hopkins, J.D.  
General Counsel  
SBN: 00793979  
333 Guadalupe, Tower 3, Suite 460  
Austin, Texas 78701  
(512) 305-6824  
(512) 305-7401 (Fax)

By: \_\_\_\_\_  
Penny Puryear Burt, J.D., R.N.  
Of Counsel  
SBN: 03475200  
333 Guadalupe, Tower 3, Suite 460  
Austin, Texas 78701  
(512) 305-6824  
(512) 305-7401 (Fax)

Attachments: Articles 4525(a) and (b), Texas Revised Civil Statutes Annotated, as amended  
Section 213.33, 22 Texas Administrative Code (formerly 213.34, change effective  
10/11/95)

## BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

### §213.33. Penalty/Sanction Factors

(a) The following factors shall be considered by the Executive Director when determining whether to dispose of a disciplinary case by fine or by fine and educational stipulation and the amount of such fine. These factors shall be used by the State Office of Administrative Hearings and the Board in determining the appropriate penalty/sanction in disciplinary cases:

- (1) evidence of actual or potential harm to patients, clients or the public;
- (2) evidence of a lack of truthfulness or trustworthiness;
- (3) evidence of misrepresentation(s) of knowledge, education, experience, credentials or skills which would lead a member of the public, an employer, a member of the health-care team, or a patient to rely on the fact(s) misrepresented where such reliance could be unsafe;
- (4) evidence of practice history;
- (5) evidence of present lack of fitness;
- (6) evidence of prior disciplinary history by the Board or any other health care licensing agency in Texas or another jurisdiction;
- (7) the length of time the licensee has practiced;
- (8) the actual damages, physical or otherwise, resulting from the violation;
- (9) the deterrent effect of the penalty imposed;
- (10) attempts by the licensee to correct or stop the violation;
- (11) any mitigating or aggravating circumstances; and
- (12) the extent to which system dynamics in the practice setting contributed to the problem.

(b) Each day of a continuing violation may be treated as a separate violation.

(c) Unless otherwise specified, fines shall be payable in full by cashier's check or money order not later than the 45th day following the entry of an Order.

(d) The payment of a fine shall be in addition to the full payment of all applicable fees and satisfaction of all other applicable requirements of the NPA and Board Rules. (10/11/95)