



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	§	AGREED
Registered Nurse License Number 788402	§	
issued to DON DECKER FRANKS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DON DECKER FRANKS, Registered Nurse License Number 788402, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 8, 2013.

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 Oklahoma State University, Oklahoma City, Oklahoma, on May 8, 1992. Respondent received a Baccalaureate Degree from University of Central Oklahoma, Edmond, Oklahoma, in 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 12, 2010.
5. Respondent's professional nursing employment history includes:

5/92-12/05

Unknown

Respondent's professional nursing employment history continued:

1/96-1/97	RN	Doctors Park Home Health Norman, Oklahoma
1/97-5/98	RN	Samaritan Home Health Oklahoma City, Oklahoma
5/98-10/99	RN	Healing Hands, Inc. Durant, Oklahoma
10/99-11/00	RN	St. Anthony Hospital Oklahoma City, Oklahoma
11/00-5/04	RN	Norman Regional Hospital Norman, Oklahoma
5/04-4/08	RN	Integris Southwest Memorial Hospital Oklahoma City, Oklahoma
4/08-8/09	RN	Indian Territory Home Health and Hospice Durant, Oklahoma
9/09-8/10	Unknown	
9/10-1/11	RN	Texoma Medical Center Sherman, Texas
1/11-5/12	RN	Texoma Medical Center: Behavioral Health Center Sherman, Texas
6/12	Unknown	
7/12-Present	RN	Express Employment Professionals Sherman, Texas

6. At the time of the initial incident in Finding of Fact Number Seven, Respondent was employed as with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, and had been in this position for approximately one (1) year and four (4) months.

7. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to assess and complete an accident/incident report, after Patient # 372239 fell in the seclusion room. Respondent's conduct resulted in an inaccurate medical record. Additionally, any changes in patient's condition could have gone undetected.
8. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to complete seclusion paperwork for Patient # 372239 after she was placed in seclusion. Respondent's conduct resulted in an inaccurate medical record.
9. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to follow policy and procedure in that he failed to notify physician of Patient #372239's seclusion. Respondent's conduct was likely to injure the patient in that it resulted in the physician not being able to evaluate the patient within one hour of the seclusion as required by policy.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D),(1)(M).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 788402, heretofore issued to DON DECKER FRANKS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, 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 State of Texas 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. 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 Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) 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. *Board-approved courses may be found at the following Board*

website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

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.

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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 violation(s) 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 when this Order becomes final and the terms of this Order become effective, 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.

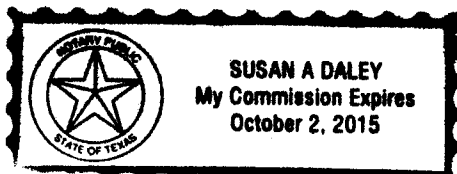
Signed this 25 day of Feb, 2013.

Don Decker Franks RV
DON DECKER FRANKS, Respondent

Sworn to and subscribed before me this 25th day of February, 2013.

SEAL

Susan A. Daley
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 25th day of February, 2013, by DON DECKER FRANKS, Registered Nurse License Number 788402, and said Order is final.

Effective this 4th day of March, 2013.

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 788402	§	
issued to DON DECKER FRANKS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DON DECKER FRANKS, Registered Nurse License Number 788402, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 8, 2013.

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 Oklahoma State University, Oklahoma City, Oklahoma, on May 8, 1992. Respondent received a Baccalaureate Degree from University of Central Oklahoma, Edmond, Oklahoma, in 2006. Respondent was licensed to practice professional nursing in the State of Texas on July 12, 2010.
5. Respondent's professional nursing employment history includes:

5/92-12/05

Unknown

Respondent's professional nursing employment history continued:

1/96-1/97	RN	Doctors Park Home Health Norman, Oklahoma
1/97-5/98	RN	Samaritan Home Health Oklahoma City, Oklahoma
5/98-10/99	RN	Healing Hands, Inc. Durant, Oklahoma
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11/00-5/04	RN	Norman Regional Hospital Norman, Oklahoma
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9/09-8/10	Unknown	
9/10-1/11	RN	Texoma Medical Center Sherman, Texas
1/11-5/12	RN	Texoma Medical Center: Behavioral Health Center Sherman, Texas
6/12	Unknown	
7/12-Present	RN	Express Employment Professionals Sherman, Texas

6. At the time of the initial incident in Finding of Fact Number Seven, Respondent was employed as with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, and had been in this position for approximately one (1) year and four (4) months.

7. On June 2, 2010, Respondent's license to practice professional nursing in the State of Texas was issued an Eligibility Agreed Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Order dated June 2, 2010, is attached and incorporated, by reference, as part of this Order.
8. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to assess and complete an accident/incident report, after Patient # 372239 fell in the seclusion room. Respondent's conduct resulted in an inaccurate medical record. Additionally, any changes in patient's condition could have gone undetected.
9. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to complete seclusion paperwork for Patient # 372239 after she was placed in seclusion. Respondent's conduct resulted in an inaccurate medical record.
10. On or about May 10, 2012, while employed with Texoma Medical Center: Behavioral Health Center, Sherman, Texas, Respondent failed to follow policy and procedure in that he failed to notify physician of Patient #372239's seclusion. Respondent's conduct was likely to injure the patient in that it resulted in the physician not being able to evaluate the patient within one hour of the seclusion as required by policy.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D),(1)(M).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 788402, heretofore issued to DON DECKER FRANKS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, 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 State of Texas 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. 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 Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

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.

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BEFORE THE BOARD OF NURSING
FOR THE STATE OF TEXAS

In the Matter of	§	ELIGIBILITY
DON DECKER FRANKS	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by DON DECKER FRANKS, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may be ineligible for licensure pursuant to the Occupations Code 301.452(b)(8).

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on April 3, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about August 31, 2009, the Board received an Application for Licensure by Endorsement from Applicant requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
2. Applicant waived representation, notice, administrative proceedings, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Oklahoma State University, Oklahoma City, Oklahoma, on May 1, 1991.
4. On or about September 27, 2009, Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

5. On July 28, 2004, Applicant was issued a Stipulated Settlement and Disciplinary Order by the Oklahoma Board of Nursing, requiring Applicant to submit to a Psychiatric/Substance Abuse Evaluation to be reviewed by the Information Disposition Panel in September 2004. The evaluation was requested after Applicant left his place of employment with 2 mg of morphine sulphate and later documented a waste that was not witnessed. A copy of the Stipulated Settlement and Disciplinary Order issued by the Oklahoma Board of Nursing on July 28, 2004, is attached and incorporated, by reference, as part of this Order.
6. On September 22, 2004, Applicant was issued a Stipulated Settlement and Disciplinary Order by the Oklahoma Board of Nursing, requiring Applicant to complete within thirty (30) days, the Board's "Legal/Ethical Packet," within one hundred twenty (120) days, the six (6) weeks Chance to Change Course or comparable alcohol/drug education class, within ninety (90) days, a course of study on "Legal Aspects of Nursing Documentation," and pay an administrative penalty fee of five hundred (\$500.00) dollars within thirty (30) days. A copy of the Stipulated Settlement and Disciplinary Order issued by the Oklahoma Board of Nursing on September 22, 2004, is attached and incorporated, by reference, as part of this Order.
7. On March 30, 2005, Applicant satisfied all terms and conditions as set forth in the Stipulated Settlement and Disciplinary Order issued on September 22, 2004, by the Oklahoma Board of Nursing.
8. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, his past behavior conforms to the Board's professional character requirements.
9. After considering the action taken by the Oklahoma Board of Nursing along with Applicant's conduct since September 22, 2004, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
10. Applicant has sworn that his past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with good professional character.
11. On April 3, 2010, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
12. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.

13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
14. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
3. The evidence in Findings of Fact Numbers Five (5) and Six (6), is sufficient cause to take disciplinary action under Section 301.452(b)(8), Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of DON DECKER FRANKS, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(4) APPLICANT SHALL, during the first year of initial licensure in the State of Texas, complete a course in Texas nursing jurisprudence and ethics. APPLICANT 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. APPLICANT 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 APPLICANT'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>.

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

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past disciplinary sanctions and I have caused complete and accurate documentation to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been disciplined. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application 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. I have no disciplinary action pending in any licensure jurisdiction.

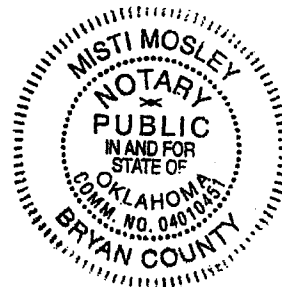
In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 24th day of May, 2010.
Don Decker Franks
DON DECKER FRANKS, APPLICANT


Sworn to and subscribed before me this 24th day of May, 2010.
SEAL Misti Mosley
Notary Public in and for the State of Oklahoma



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 24th day of May, 2010, by DON DECKER FRANKS, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this 2nd day of June, 2010.

BOARD OF NURSING
FOR THE STATE OF TEXAS

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

BEFORE THE OKLAHOMA BOARD OF NURSING

**IN THE MATTER OF DON DECKER FRANKS, R.N.
LICENSE NO. R0055571**

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 20th day of July, 2004, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Respondent appears in person without counsel.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0055571, issued by the Oklahoma Board of Nursing.
2. From on or about May 11, 2004, through May 14, 2004, while employed as Clinical Coordinator of the Diagnostic Imaging Center at Norman Regional Hospital, Respondent left the facility with 2 mg. of morphine sulphate and later documented a waste that was not witnessed.
3. Respondent denies problems with drug abuse but has agreed to submit documentation of the successful completion of a chemical dependency evaluation which complies with this Board's Criteria for Psychiatric/Substance Evaluation.
4. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that

Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remain in effect

pending further Orders of the Board in this matter.

IT IS FURTHER ORDERED that prior to August 30, 2004, Respondent submit documentation of a chemical dependency evaluation which complies with this Board's Criteria for Psychiatric/Substance Abuse Evaluation, a copy of which is attached hereto and made a part of this Order.

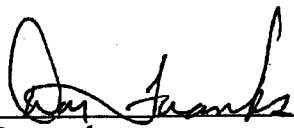
- a. Respondent shall provide a copy of this Order and Board's Criteria for Psychiatric/Substance Abuse Evaluation to the approved counselor and shall sign a consent to disclose information between the Oklahoma Board of Nursing and the counselor.
- b. Counselor shall discuss findings and recommendations with Respondent and shall submit the evaluation on letterhead directly to the Oklahoma Board of Nursing to include a summary of all assessments completed with tools utilized, diagnosis, prognosis, summary/recommendations and course of treatment if initiated.
- c. Respondent submit documentation, satisfactory to the Board, of compliance with all recommendations contained in such evaluation.

IT IS FURTHER ORDERED the evaluation will be reviewed by an Informal Disposition Panel appointed by the Board in September, 2004, for the purpose of recommending to the Board such further Orders regarding Respondent's license as may be deemed necessary and proper.

IT IS FURTHER ORDERED that any failure to comply with the submission of documentation by third parties, including late reports, unsatisfactory reports, or other violations of

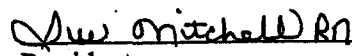
the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Board to show cause why Respondent's license should not be revoked.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.


Respondent

Approved and ordered this 28 day of July, 2004.

OKLAHOMA BOARD OF NURSING

By: 
President

BEFORE THE OKLAHOMA BOARD OF NURSING

**IN THE MATTER OF DON DECKER FRANKS, R.N.
LICENSE NO. R0055571**

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 14th day of September, 2004, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Respondent appears in person without counsel.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0055571 issued by the Oklahoma Board of Nursing.
2. By Stipulation, Settlement and Order entered July 28, 2004, Respondent was required to submit a chemical dependency evaluation which complies with this Board's criteria for Psychiatric/Substance Abuse Evaluation, for review at the next scheduled Informal Disposition Panel appointed by the Board .
3. Respondent submitted a chemical dependency evaluation which complies with this Board's criteria for Psychiatric/Substance Abuse Evaluation. Respondent's evaluation indicated that further monitoring and treatment is necessary.
4. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that

Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remain in effect, and that Respondent is disciplined as follows:

1. Within thirty (30) days from the receipt of this Order Respondent shall submit documentation of the successful completion of the Board's "Legal/Ethical Packet" and return to the Board office the "Legal/Ethical Packet".

2. Within one-hundred twenty (120) days from receipt of this Order, Respondent shall submit documentation, satisfactory to the Board, of the successful completion of the six (6) week Chance to Change course, or a comparable alcohol/drug education class approved by Board staff prior to enrollment.

3. Within ninety (90) days from the receipt of this Order Respondent submit documentation, satisfactory to the Board, of the successful completion of a unit of education or course of study on "Legal Aspects of Nursing Documentation," which is approved by Board staff prior to enrollment or registration.

4. Within thirty (30) days from receipt of this Order, Respondent shall pay an administrative penalty to the Oklahoma Board of Nursing in the amount of \$500.00. The administrative penalty shall be paid only by certified check, money order or cash.


IT IS FURTHER ORDERED that the license to practice licensed practical/registered nursing held by Respondent is hereby reprimanded.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty or written documentation by the due date, including but not limited to the Board's "Legal/Ethical Packet" and educational courses, will result in a three (3) month suspension of license. Any application for reinstatement may be subject to approval by Board staff or referred

to the Board for approval. Administrative penalties for any such failure to comply shall be assessed and paid prior to reinstatement by certified check, money order, or cash pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

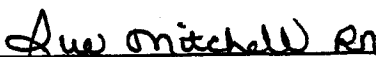
IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.


Respondent

Approved and ordered this 22 day of September, 2004.

OKLAHOMA BOARD OF NURSING

By: 
President