



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 822016 §
issued to DAN STEPHEN DAVIS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DAN STEPHEN DAVIS, Registered Nurse License Number 822016, 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)(1) & (10) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 5, 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 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 Angelina College, Lufkin, Texas on May 10, 2012. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 2012.
5. Respondent's nursing employment history is unknown.
6. On or about January 11, 2012, Respondent was issued an Agreed Eligibility Order by the Texas Board of Nursing which required him to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Eligibility Order dated January 11, 2012, is attached and incorporated, by reference as part of this Order.

7. On or about November 5, 2012, Respondent became non-compliant with the Agreed Eligibility Order issued to him by the Texas Board of Nursing on January 11, 2012. Non-compliance is the result of Respondent's failure to comply with requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that he failed to comply with treatment recommendations. Stipulation Number Three (3) of the Agreed Eligibility Order dated January 11, 2012, states:

"(3) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term."

On or about November 5, 2012, Respondent was dismissed from TPAPN and referred to the Board.

8. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent respectfully requests to be readmitted to TPAPN. He states that he is committed to obtaining all reasonable and necessary treatment as required by TPAPN. Respondent states that maintaining his sobriety is an essential component to maintaining his nursing license, and he looks forward to working with TPAPN to ensure this occurs.
9. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 §217.12(9) & (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 822016, heretofore issued to DAN STEPHEN DAVIS, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 822016, previously issued to DAN STEPHEN DAVIS, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of

Nursing of any violation of the TPAPN participation agreement.

RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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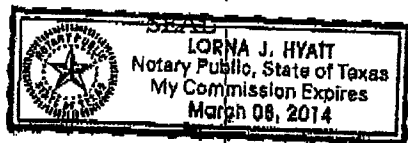
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Stipulation Numbers One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 10 day of April, 2013.

[Signature]
 DAN STEPHEN DAVIS, Respondent

Sworn to and subscribed before me this 10th day of April, 2013.



[Signature]
 Notary Public in and for the State of TEXAS

Approved as to form and substance. ✓

[Signature]
 John Rivers, Attorney for Respondent

Signed this 10 day of April, 2013.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 10th day of April, 20 13, by DAN STEPHEN DAVIS, Registered Nurse License Number 822016, and said Order is final.

Effective this 10th day of April, 20 13.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
DAN STEPHEN DAVIS,
PETITIONER for Eligibility for Licensure

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AGREED
ELIGIBILITY ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered Petition for Declaratory Order and supporting documents filed by DAN STEPHEN DAVIS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on September 21, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about August 12, 2010, PETITIONER submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner was not enrolled in a Professional Nursing Program at the time of this petition.
4. Petitioner completed the Petition for Declaratory Order and answered "Yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
 - 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 judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

5. Petitioner disclosed the following criminal history, to wit:

- A. On or about May 25, 2008, Petitioner was arrested by the Conroe Police Department, Conroe, Texas, for ASSAULT CAUSES BODILY INJURY, a Class A misdemeanor offense.

On or about July 9, 2008, Petitioner pled Guilty to ASSAULT CAUSES BODILY INJURY (a Class A misdemeanor offense committed on May 25, 2008), in the County Court at Law No. 1 of Montgomery County, Texas, under Cause No. 08-240758. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner was placed on probation for a period of six (6) months. On or about January 30, 2009, Petitioner was discharged from probation.

- B. On or about January 6, 2008, Petitioner was arrested by the Madisonville Police Department, Madisonville, Texas, for RESIST ARREST SEARCH OR TRANSPORT, a Class A misdemeanor offense and DRIVING WHILE INTOXICATED, a Class B misdemeanor offense.

On or about July 8, 2008, Petitioner pled Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on January 6, 2008), in the County Court at Law of Madison County, Texas, under Cause No. 08056. As a result of the conviction, Petitioner was sentenced to confinement in the Madison County Jail for a period of sixty (60) days; however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of one (1) year. On or about July 7, 2009, Petitioner was discharged from probation.

On or about May 14, 2008, the offense of CRIMINAL MISCHIEF, was dismissed in the Justice of the Peace, Precinct 2, Madison County, Texas, under cause No. 0820032.

- C. On or about June 30, 2006, Petitioner was arrested by the Huntsville Police Department, Huntsville, Texas, for FAILURE TO IDENTIFY and MINOR - POSSESSION OF ALCOHOL, both misdemeanor offense.

On or about October 11, 2006, Petitioner pled Guilty to FAILURE TO IDENTIFY, in the Municipal Court of Walker County, Texas, under Cause No. 770902-01. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner ordered to pay a fine. On or about October 11, 2006, the charge was dismissed.

On or about October 11, 2006, Petitioner pled Guilty to MINOR - POSSESSION OF ALCOHOL, in the Municipal Court of Walker County, Texas, under Cause No. 746971-01. As a result of the plea, the proceedings against Petitioner were deferred without entering an adjudication of guilt and Petitioner ordered to pay a fine. On or about October 11, 2006, the charge was dismissed.

6. There is no evidence of any subsequent criminal conduct.
7. On or about August 17, 2011, Petitioner was seen by Joyce M. Gayles, PhD., Clinical psychologist, to undergo a chemical dependency evaluation. Results showed no indication of serious psychological problems or a propensity for criminal or acting out behavior. Petitioner presents as generally conscientious and responsible. Petitioner seems to be highly motivated to achieve his goal to become a nurse. Although Petitioner stated he stopped drinking in 2010; results from the SASSI-3 indicated a high probability that he is substance dependant. Petitioner stated that he is having no difficulty maintaining sobriety. It should be noted that a finding of substance dependence on the SASSI is not inconsistent with early stage sobriety.

Based on the results of the evaluation, Dr. Gayles recommends that Petitioner be referred to TPAPN for support in maintaining his sobriety. Petitioner should submit to random alcohol screening for six months and attend a sobriety support group. By following theses recommendations, Petitioner should be able to provide nursing care with reasonable skill and safety to patients. By following theses recommendations, Petitioner is likely to be able to consistently behave in accordance with the requirements of Board Rules 213.27-213.29 as well as meet the nursing standards set forth in Board Rules 217.11. Petitioner is likely to be able to consistently avoid behaviors identified as constituting unprofessional conduct in Rule 217.12.

8. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, his past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
9. Petitioner presented no evidence of behavior which is inconsistent with good professional character.

10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
12. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
14. Petitioner 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.
15. Petitioner 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.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about August 12, 2010, PETITIONER submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled *nolo contendere* to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, 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 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.
8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that, upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

IT IS FURTHER AGREED that PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.

IT IS FURTHER AGREED that, upon payment of any required fees and upon attaining a passing grade on the appropriate National Council Licensure Examination, PETITIONER shall be issued the applicable license to practice nursing in the State of Texas, and while under the terms of this Order all licenses issued to PETITIONER shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER 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 PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license(s) is/are encumbered by this Order, PETITIONER 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 PETITIONER wishes to work.

NOW, THEREFORE, IT IS FURTHER AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) PETITIONER SHALL, within forty-five (45) days of licensure, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(3) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(4) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of PETITIONER'S license(s) and nurse compact licensure privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application and/or petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application and/or petition, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of my potential ineligibility for licensure through peer assistance.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

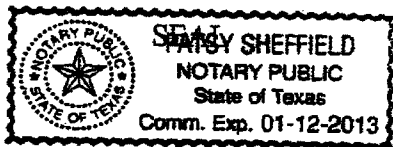
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

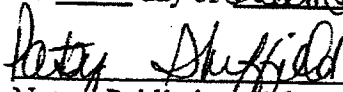
Signed this 19 day of December, 2011.



DAN STEPHEN DAVIS, PETITIONER

Sworn to and subscribed before me this 19 day of December, 2011.





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 Eligibility Order that was signed on the 19th day of December, 2011, by DAN STEPHEN DAVIS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 11th day of January, 2012.



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