

IN THE MATTER OF PERMANENT §
VOCATIONAL NURSE LICENSE §
NUMBER 140681 ISSUED TO §
DONNA LEONA TATE §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Donna Leona Tate
1402 Mockingbird #21B
Olney, TX 76374

During open meeting held in Austin, Texas, on **September 10, 2013**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.


All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 140681, previously issued to DONNA LEONA TATE, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10th day of September, 2013.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed June 26, 2013.

Re: Permanent Vocational Nurse License Number 140681
Issued to DONNA LEONA TATE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

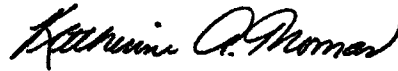
Via USPS Certified Mail, Return Receipt Requested

Donna Leona Tate
1402 Mockingbird #21B
Olney, TX 76374

Via USPS First Class Mail

Donna Leona (Tate) Smith
20569 E. CR 159
Altus, Oklahoma 73521

BY:



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

In the Matter of Permanent § **BEFORE THE TEXAS**
Vocational Nurse License §
Number 140681 Issued to §
DONNA LEONA TATE, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA LEONA TATE, is a Vocational Nurse holding License Number 140681, which is in delinquent 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 November 10, 2009, Respondent was issued a Stipulation, Settlement and Order from the Oklahoma Board of Nursing wherein Respondent's license to practice practical nursing in the State of Oklahoma was Severely Reprimanded with terms and conditions for unprofessional conduct, failure to assess and verbal abuse of a patient. Subsequently, on or about May 24, 2010, Respondent completed the terms and conditions of said Order. A copy of the Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated November 10, 2009 is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about September 26, 2012, Respondent was issued a Consent Order by the Oklahoma Board of Nursing wherein Respondent's license to practice practical nursing in the State of Oklahoma was temporarily suspended and Respondent was referred to the Peer Assistance Program of the Oklahoma Board of Nursing with terms and conditions, due to testing positive for Marijuana in a random employee drug screen. Subsequently, on or about November 5, 2012, Respondent was issued notification by the Oklahoma Board of Nursing that Respondent's license to practice practical nursing in the State of Oklahoma was Revoked for a period of two (2) years for failure to complete and submit documentation for the Peer Assistance Program of the Oklahoma Board of Nursing. A copy of the Consent Order issued by the Oklahoma Board of Nursing, dated September 26, 2012 and a copy of the Revocation Notification Letter dated November 5, 2012, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated November 10, 2009; Consent Order issued by the Oklahoma Board of Nursing, dated September 26, 2012 and Revocation Notification Letter dated November 5, 2012.

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CONTINUED ON NEXT PAGE.

Filed this 26th day of June, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

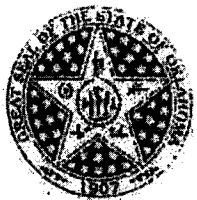
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated November 10, 2009, Consent Order issued by the Oklahoma Board of Nursing, dated September 26, 2012 and Revocation Notification Letter dated November 5, 2012.

D/2012.06.19



OKLAHOMA BOARD OF NURSING

2915 CLASSEN BOULEVARD • SUITE 524 • OKLAHOMA CITY, OKLAHOMA 73106-5437 • (405) 962-1800

www.ok.gov/nursing • Fax (405) 962-1821

CERTIFIED & Regular Mail

7011 1150 0000 0800 3610

November 5, 2012

Donna Leona Smith
20569 E. CR. 159
Altus, Oklahoma 73521

Dear Ms. Smith:

On September 26, 2012, an Order was entered by the Oklahoma Board of Nursing and received by you on October 5, 2012. In accordance with this Order, the following terms and conditions were to be met:

- 1) Successful completion of the Peer Assistance Program.

You failed to complete and submit documentation of the successful completion of the: **The Peer Assistance Program.**

Effective immediately, your license to practice nursing is **revoked for two years**. You may not work or offer to work as an L.P.N. in Oklahoma. You are to return your pocket license card to this office in the enclosed envelope **no later than five (5) days after receipt of this letter.**

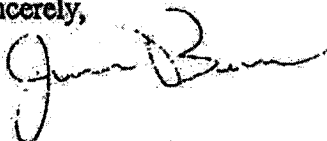
In accordance with this Order, an administrative penalty is assessed for non-compliance in the amount of **\$1,000.00** payable to the **Oklahoma Board of Nursing**. Payment must be in the form of money order, certified check or cash. We will not accept personal checks. Please do not send cash in the mail. Return the enclosed form with payment. This must be paid in full prior to applying for reinstatement.

You may apply for reinstatement of your license in **November, 2014**. Enclosed is a copy of the Board's Guidelines for Reinstatement when there has been misuse of drugs or alcohol. You may apply for reinstatement of your license when you can demonstrate compliance with these Guidelines. It can take up to two years to meet these terms and you are encouraged to begin the process soon.

after the receipt of your letter. The documentation must be in writing and must be submitted to this office **two months** prior to your Board appearance. At that time, contact this office and request an application for reinstatement. When your completed application and fee are received, you will be sent notification when your Application for Reinstatement of License will be considered.

If you have questions concerning this information, please contact Laura Clarkson (405) 962-1818.

Sincerely,



Jim Burns, B.S.N., M.Ed, R.N.
Nurse Investigator

JB:tj

cc: Peer Assistance Program

Enclosure(s): Guidelines for Individuals Requesting Reinstatement After Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol (03/24/09)
Administrative Penalty/Recovery Cost Form

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DONNA LEONA VANADORE TATE SMITH, L.P.N.
LICENSE NO. L0035886

CONSENT ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing on the 26th day of September, 2012, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma, for disposition by Consent Order ("Order"), pursuant to 75 O.S. §309.E., and Donna Leona Vanadore Tate Smith, L.P.N. ("Respondent") having consented to the following Order being entered herein, the Board hereby makes and enters the following Order.

1. Respondent is Donna Leona Vanadore Tate Smith, L.P.N.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, and is the holder of License No. L0035886 issued by the Oklahoma Board of Nursing ("Board").
3. Respondent has been advised of her right to an attorney and has voluntarily waived her right to an attorney.
4. A Complaint was filed by Jan Sinclair, a Nurse Investigator with the Board on July 12, 2012, with the following particulars:

On or about March 21, 2012, the Respondent, while employed as a staff nurse at Jackson County Memorial Hospital in Altus, Oklahoma, and working the 7 AM to 3 PM shift on a Medical-Surgical floor, tested positive in a random employee drug screen for Marijuana (THC). The Respondent's drug screen, verified by a Medical Review Officer, is attached as Exhibit "A" to the Complaint and incorporated by reference as if set forth in full herein. On March 29, 2012, the Respondent's employment at Jackson County Memorial

Hospital was terminated due to her positive drug screen, as shown on the Termination of Employment Report, attached as Exhibit "B" to the Complaint and incorporated by reference as if set forth in full herein.

5. Respondent is referred to the Peer Assistance Program of the Oklahoma Board of Nursing on the following terms and conditions:

6. Respondent's license to practice licensed practical nursing is hereby temporarily suspended as of the date of this Order, which temporary suspension shall be set aside provided Respondent provides documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program by **November 2, 2012**.

7. If Respondent is not accepted into the Peer Assistance Program on or before **November 2, 2012**, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby revoked for a period of two (2) years.

8. Respondent is to return Respondent's pocket license card, along with any applicable fee, to the Board office to be marked "Peer", within five (5) working days from receipt of the Order.

9. In the event Respondent's license is revoked as provided herein, any application to reinstate Respondent's license shall not be considered by the Board until Respondent presents evidence satisfactory to the Board of compliance with the Board's Guidelines For Individuals Requesting Reinstatement After Suspension, Surrender Or Revocation For Misappropriation Or Misuse Of Drugs/Alcohol. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

10. In the event Respondent's license is revoked as provided herein, Respondent shall pay an administrative penalty payable to the "Oklahoma Board of Nursing" in the amount of One Thousand Dollars (\$1,000.00). The administrative penalty shall be paid only by certified check, money order or cash. Any Application to Reinstate Respondent's license will not be considered until the administrative penalty is paid in full.

11. In the event Respondent's license is revoked as provided herein, Respondent shall pay the recovery cost of the investigation and prosecution of the disciplinary action payable to the Oklahoma Board of Nursing in the amount of \$500.00 within sixty (60) days from the date of termination from the Peer Assistance Program. The recovery cost of the investigation and prosecution shall be paid only by certified check, money order or cash.

12. Upon Reinstatement, Respondent's license will be immediately placed in temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within sixty (60) days of reinstatement.

13. In the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is thus necessary to serve the Respondent by a process server, the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service within sixty (60) days of service of the process served Order. The process service fee shall be paid only by certified check, money order or cash to the Board.

14. The parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order,

shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

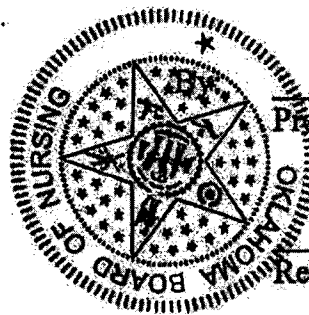
15. This Order shall not be effective until the fully executed Order is received in the Board office.

16. Upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

17. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

IT IS SO ORDERED

OKLAHOMA BOARD OF NURSING

The seal of the Oklahoma Board of Nursing is circular with a five-pointed star in the center. The words "OKLAHOMA BOARD OF NURSING" are written around the perimeter of the seal. The star contains the letters "A", "B", "C", "D", and "E" in its points, and a central emblem. The seal is partially overlaid by the signature of the President.

[Signature]
President

[Signature]
Respondent

JS:sr

BEFORE THE OKLAHOMA BOARD OF NURSING

**IN THE MATTER OF DONNA LEONA VANADORE TATE SMITH, L.P.N.
LICENSE NO. L0035886**

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 28th day of October, 2009, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Jerry Wainscott, R.N., a Nurse Investigator with the Board, appears in person, and Donna Leona Vanadore Tate Smith, L.P.N., (hereinafter, "Respondent") appears in person without counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on October 7, 2009, and subsequently consented to this Order.

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 licensed practical nursing in the State of Oklahoma and is the holder of License No. L0035886 issued by the Oklahoma Board of Nursing.
2. On or about September 18, 2007, Respondent, while working as a charge nurse on the 6:00 a.m. to 2:00 p.m. shift at Grace Living Center in Mangum, Oklahoma, left Resident D.M. unattended during a nebulizer breathing treatment. Respondent failed to return to Resident D.M.'s room to remove the nebulizer mask from the Resident's face. The mask was found two (2)

hours later by the family of Resident D.B. when the family came to visit. Resident D.B. had indentions left by the mask and petechiae on Resident's face around the mask edges.

3. On or about December 24, 2008, Respondent, while working as a charge nurse on 6:00 a.m. to 2:00 p.m. shift at Grace Living Center in Mangum, Oklahoma, verbally abused Resident M.K. in front of other Residents and staff by telling Resident M.K. to "shut up."

4. On or about July 31, 2009, Respondent, while working as a charge nurse on the 2:00 p.m. to 10:00 p.m. shift at Grace Living Center in Mangum, Oklahoma, failed to report to the Director of Nursing, the Facility Administrator, or the State Department of Human Services the alleged abuse of Resident F.D. by a nurse aide. The alleged abuse was reported to the Respondent by a Certified Nurse Aide ("CNA") that Resident F.D. had been abused by another CNA during the 2:00 p.m. to 10:00 p.m. shift. Respondent further failed to do a focused assessment of Resident F.D. after the report of the alleged abuse.

5. 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.

6. 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.

7. Respondent fully understands and agrees 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.

8. 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.

9. 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.

10. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

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

1. Respondent shall, within ninety (90) days from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be

approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must 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 cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within one hundred twenty (120) days from receipt of this Order, successfully complete a course on **Therapeutic Communication**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use therapeutic communication skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. Respondent shall within one hundred twenty (120) days from receipt of this Order, successfully complete a course on **Patient Rights and Confidentiality**. Respondent shall

obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, or Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of four (4) contact hours in length. The course content must include all federal and state laws applicable to the issues of patient rights and confidentiality. The course description must 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 cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

4. Respondent shall, within one hundred eighty (180) days from receipt of this Order, successfully complete a course on Medication Administration, to include breathing treatments and controlled dangerous substances. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, or Internet courses will not be approved. The target audience must include licensed nurses. The didactic portion of this course must be a minimum of four (4) hours in length. The course must contain a minimum eight (8) hours classroom lab with a skills competency checklist component which is to be supervised by a registered nurse. The course's content must include a review of proper administration procedures for all standard routes, transcribing and processing physician orders, computation of drug dosages, the rights of medication administration, factors influencing the choice of route and adverse effects resulting from improper administration. The course description must 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 classroom

portions of the course to satisfy this requirement. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

5. Respondent shall, within one hundred eighty (180) days of receipt of this Order, successfully complete a course in **The Roles and Responsibilities of the Licensed Practical Nurse in Long Term Care**, to include all applicable state and federal regulations. Respondent shall obtain Boards approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet programs will not be approved. The target audience must include licensed nurses. The course must be a minimum of sixteen (16) contact hours in length. For approval the course content must include delegation, supervision, patient assessment, scope of practice of each discipline, and responsibilities related to reporting incidents. The course description must 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 cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

6. Within sixty (60) days from receipt of this Order, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of \$1,000.00. 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 nursing held by Respondent is hereby severely 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 and proof of successful completion of educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be

submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. The terms of the previous Order will be extended for three (3) months, as applicable. An Administrative penalty of \$500 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement 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 the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this Stipulation, Settlement and Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

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.

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IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Dennis Smith
Respondent

Approved and ordered this 10th day of November, 2009.

OKLAHOMA BOARD OF NURSING

By: Sharon Westley
President

JW:tj