



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

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In the Matter of	§	AGREED
Registered Nurse License Number 742481	§	
& Vocational Nurse License Number 207311	§	
issued to JAVIER ALEXANDER DONAGHY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAVIER ALEXANDER DONAGHY, Registered Nurse License Number 742481, and Vocational Nurse License Number 207311, 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)(10), 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 October 7, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status.
4. Respondent received a Certificate in Vocational Nursing from North Harris College, Houston, Texas, on August 18, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on November 7, 2006. Respondent received an Associate Degree in Nursing from North Harris Community College, Houston, Texas, on May 11, 2007. Respondent was licensed to practice professional nursing in the State of Texas on June 19, 2007.

5. Respondent's nursing employment history includes:

11/06 - 03/08	LVN/RN	Physician's Endoscopy Center Houston, Texas
07/07 - 05/09	RN	Memorial Hermann NW Houston, Texas
08/09 - Unknown	RN	RadLink Staffing Houston, Texas
01/10 - 11/10	RN	Memorial Hermann Surgery Center Katy Katy, Texas
12/10 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Memorial Hermann Surgery Center Katy, Katy, Texas, and had been in this position for ten (10) months.
7. On or about November 11, 2010, while employed with Memorial Hermann Surgery Center, Katy, Texas, Respondent admitted to the diversion of narcotics belonging to the facility and patients thereof. Respondent admitted to distributing narcotics to other employees at the facility. Respondent also produced some of the missing narcotics from his employee locker. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent admits that he gave one (1) pill to a tech he was working with when she appeared to be having a panic attack but never gave any of the medication to anyone else nor took any for himself. Respondent states that he had recently taken over responsibility of the pharmacy when he found a box of expired valium without a record. He states that he contacted the pharmacy and then placed it in the cabinet for it to be picked up but it never was. He later placed the medication in his locker for safekeeping, and the medication was in his locker for approximately two (2) weeks before he was questioned about it by the hospital administration. He states that when he retrieved the medication from his locker at the request of the hospital administration, all of the pills were there except for the one he gave to the tech.
9. Formal Charges were filed on July 31, 2013.
10. Formal Charges were mailed to Respondent on August 1, 2013.

### 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(6)(G),(8) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 742481, and Vocational Nurse License Number 207311, heretofore issued to JAVIER ALEXANDER DONAGHY, 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 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 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 may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

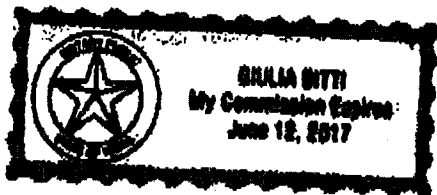
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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 28<sup>th</sup> day of October, 2013

JAVIER ALEXANDER DONAGHY, Respondent

Sworn to and subscribed before me this 28<sup>th</sup> day of October, 2013

SEAL



Gina Bitti / Gina Bitti  
Notary Public in and for the State of Texas

Approved as to form and substance..

Robert L. Greening  
Robert L. Greening, Attorney for Respondent

Signed this 31<sup>st</sup> day of Oct, 2013

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 28th day of October, 20 13, by JAVIER ALEXANDER DONAGHY, Registered Nurse License Number 742481, and Vocational Nurse License Number 207311, and said Order is final.

Effective this 1st day of November, 20 13.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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