



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

IN THE MATTER OF  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 229722

§  
§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE

ISSUED TO  
DAYNA M BARTA BOATRIGHT

**ORDER OF THE BOARD**

TO: DAYNA M BARTA BOATRIGHT  
2105 STRAWBERRY ROAD  
PASADENA, TX 77502

During open meeting held in Austin, Texas, on **December 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 Registered Nurse License Number 229722, previously issued to DAYNA MBARTA BOATRIGT, 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 December, 2013.

TEXAS BOARD OF NURSING



BY: \_\_\_\_\_

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

In the Matter of § BEFORE THE TEXAS  
Permanent Registered Nurse §  
License Number 229722 §  
Issued to DAYNA M BARTA BOATRRIGHT, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAYNA M BARTA BOATRRIGHT, is a Registered Nurse holding License Number 229722 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 June 2, 2012, Respondent failed to comply with the Reinstatement Agreed Order issued to her on May 10, 2011, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the May 10, 2011, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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](http://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](http://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 is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Orders dated April 17, 2008, November 18, 2009, and Reinstatement Agreed Order dated May 10, 2011.



Filed this 21<sup>st</sup> day of August, 2013.

TEXAS BOARD OF NURSING

*R. Kyle Hensley*

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: Agreed Order dated April 17, 2008  
Agreed Order dated November 18, 2009  
Reinstatement Agreed Order dated May 10, 2011.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	
License Number 229722	§	REINSTATEMENT
issued to DAYNA M. BARTA BOATRRIGHT	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 229722, held by DAYNA M. BARTA BOATRRIGHT, hereinafter referred to as Petitioner.

An informal conference was held on March 1, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Louis Leichter, Attorney at Law. In attendance were Denise Benbow, RN, Nurse Consultant, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas, on August 1, 1973 and received a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas, in 1992. Petitioner was originally licensed to practice professional nursing in the State of Texas on November 20, 1973.

4. Petitioner's professional nursing employment history includes:

1973 - 1976	Assistant Head Nurse	Ben Taub Hospital Houston, Texas
1977 - 1978	Charge Nurse	Faith Memorial Nursing Home Pasadena, Texas
1978 - 1979	Office Nurse and Manager ENT Services	Office of Nabeel H. Romman, MD Pasadena, Texas
1979 - 1998	Clinical Coordinator	Columbia Bayshore Medical Center Pasadena, Texas
6/98 - 9/05	Staff Nurse	TIRR Systems Houston, Texas
10/05 - 1/07	Unknown	
2/07 - 3/07	Staff Nurse	Clear Lake Regional Medical Center Webster, Texas
4/07 - 5/07	Not employed in nursing	
6/07 - 4/08	Agency Nurse	Advanced Temporaries Houston, Texas
5/08 - present	Not employed in nursing	

5. On April 17, 2008, PETITIONER's license to practice professional nursing was Suspended by the Texas Board of Nursing. On July 21, 2008, the suspension was Stayed and PETITIONER was placed on Probation. A copy of the April 17, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On November 18, 2009, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the November 18, 2009, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about December 3, 2010, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

8. Petitioner presented the following in support of her petition:
- 8.1. Letter of support, dated November 8, 2010, from Jeannie Welsh, Cenikor, Deer Park, Texas, states Petitioner is a resident of Cenikor Foundation residential drug treatment program. She entered treatment on November 6, 2008, and will continue residency at the facility for approximately two (2) years. Petitioner is in the Re-entry phase of the program and is preparing to graduate from the program in March 2011. Ms. Welsh had the privilege to be Petitioner's counselor throughout her entire program, and has seen her go through ups and downs. Petitioner has taken recovery seriously and she has consistently worked hard in her clinical sessions to overcome some of the issues that may have directly contributed to her addiction. Petitioner has been involved in all aspects of the program and proven she can multi-task and maintain responsibilities. In the last phase of the program, Petitioner has become actively involved with outside support groups and has a high level of participation in the Recovery Maintenance groups she attends. Petitioner demonstrates the knowledge and the will to live a successful life in recovery. The only thing missing from Petitioner's life is the opportunity to continue doing what she loves and that is nursing. Petitioner would be an asset at any medical facility she was employed with.
  - 8.2. Letter of support, dated November 17, 2010, from Mark Norris, LCSW, Clinical Manager, Cenikor, Deer Park, Texas, states in two (2) years that Petitioner has been at Cenikor she has been diligent in working on her problematic issues, and within the Cenikor community she has taken a leadership role and has been a model for those, like her, who strive to put this disease of addiction into full remission and to pursue a life as a sober and productive individual. Personally, Mr. Norris has come to know Petitioner as well as her personal ethics and behavior. He has come to hold her in the highest regard. Mr. Norris would be proud to have Petitioner as a neighbor or a work associate. Petitioner has chosen to devote her life to helping those with severe and life threatening medical conditions and Mr. Norris hopes the Board chooses to reinstate her license.
  - 8.3. Letter of support, dated November 8, 2010, from Roni Archer, Community Resource Manager, Cenikor, Deer Park, Texas, states he has been blessed to work with Petitioner during her treatment at Cenikor. Petitioner has worked very hard in recovery. Petitioner works the 12-step program diligently and is truly seeking to create a better life for herself. Ms. Archer believes the Board will be pleased with the outstanding progress she has made. Ms. Archer hopes the Board will consider reinstating Petitioner's nursing license so that she can continue on a path of recovery and success.
  - 8.4. Letter of support from D'Anna Travis, Career Services Manager, Cenikor, Deer Park, Texas, states her first contact with Petitioner was almost three (3) years ago. She often came in the education room where Ms. Travis was teaching. Petitioner helped with the students as well as helped and guided them through their assignments and personal goals. During the time Ms. Travis has known Petitioner, she has presented herself with such ease and humor that she set the tone for the entire facility. Petitioner has distinguished herself as a conscientious

and energetic leader. Petitioner's long term goal has always been to be a part of nursing again. That is her passion and her talent.

- 8.5. Letter of support, dated November 17, 2010, from Jack Womack, Pastor, Hope Community United Methodist Church, Pasadena, Texas, states the central focus of the church is working with persons in various stages of recovery. About eight (8) or nine (9) months ago, Pastor Womack met Petitioner as she began to attend the church events and then was a part of a new Alcoholics Anonymous meeting held at their facility. Pastor Womack has seen Petitioner grow and work through her recovery. Pastor Womack is very excited that she is moving to new stages in both her recovery and her life. He has every reason to believe Petitioner will continue to participate in both the recovering community and a faith community. She is sincere and hard working and Pastor Womack hopes the Board will be able to see the value that she will bring to the medical field as she returns to her career in nursing.
- 8.6. Letter of support from Vickie S. Elizardo, District Sales Coordinator, Aflac, states Petitioner began attending her Sunday school class on a regular basis starting January 2009. During this time, Ms. Elizardo has observed Petitioner demonstrate a commitment to her sobriety and a desire to get her life back on track. Petitioner has been instrumental in bringing other Cenikor residents to her class and she shows a very nurturing and supportive attitude towards them. Petitioner contributes thoughtful words in class discussions and has shown a spiritual growth. Ms. Elizardo believes that Petitioner has shown that with her words and actions that she truly belongs back in the community doing what she loves to do, which is nursing. Petitioner has taken full responsibility for her actions and decisions. She allowed herself to take the consequences of her decisions.
- 8.7. Documentation of seven (7) drug screens dating from February 19, 2009, through October 18, 2010.
- 8.8. Documentation of support group attendance dating from March 10, 2010, through November 13, 2010.
- 8.9. Verification of successful completion of twenty (20) contact hours of continuing education.
9. Petitioner gives October 31, 2008, as her date of sobriety.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.



3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of DAYNA M. BARTA BOATRRIGHT, Registered Nurse License Number 229722, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in 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 is 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 State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to DAYNA M. BARTA BOATRRIGHT, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 Petitioner'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, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:**

(4) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on Petitioner's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on Petitioner's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as Petitioner and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as Petitioner, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work

only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a nurse.

(9) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the Petitioner. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for three (3) years of employment as a nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator.

The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the Petitioner's place of employment at any time during the stipulation period and require Petitioner to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION

of Petitioner's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by Petitioner. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from Petitioner's license to practice professional nursing in the State of Texas and Petitioner shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

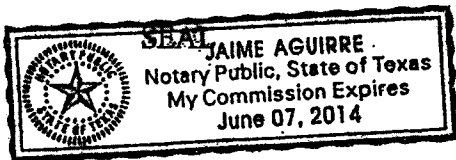
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 2nd day of April, 2011.

Dayna M. Barta Boatright  
DAYNA M. BARTA BOATRIGHT, Petitioner

Sworn to and subscribed before me this 2nd day of April, 2011.



J. Jaime Aguirre  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
LOUIS LEICHTER, Attorney for Petitioner

Signed this 1 day of April, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 2nd day of April, 2011, by DAYNA M. BARTA BOATRRIGHT, Registered Nurse License Number 229722, and said Order is final.

Effective this 10th day of May, 2011.



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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse  
License Number 229722  
issued to DAYNA M. BARTA BOATRIGHT

§  
§  
§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 229722, issued to DAYNA M. BARTA BOATRIGHT, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas, on August 1, 1973, and a Baccalaureate Degree in Nursing from the University of Texas Medical Branch, Galveston, Texas, in 1992. Respondent was licensed to practice professional nursing in the State of Texas on November 20, 1973.

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4. Respondent's professional nursing employment history includes:

1973 - 1976	Assistant Head Nurse	Ben Taub Hospital Houston, Texas
1977 - 1978	Charge Nurse	Faith Memorial Nursing Home Pasadena, Texas
1978 - 1979	Office Nurse and Manager ENT Services	Office of Nabeel H. Romman, MD Pasadena, Texas
1979 - 1998	Clinical Coordinator	Columbia Bayshore Medical Center Pasadena, Texas
6/98 - 9/05	Staff Nurse	TIRR Systems Houston, Texas
10/05 - 1/07	Unknown	
2/07 - 3/07	Staff Nurse	Clear Lake Regional Medical Center Webster, Texas
4/07 - 5/07	Not employed in nursing	
6/07 - 4/08	Agency Nurse	Advanced Temporaries Houston, Texas
5/08 - present	Unknown	

5. On April 17, 2008, Respondent's license to practice professional nursing was Suspended by the Texas Board of Nursing. A copy of the April 17, 2008, Agreed Order, Finding of Fact, Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. Formal Charges were filed on July 10, 2009. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were mailed to Respondent on July 13, 2009.
8. On October 14, 2009, Respondent returned License Number 229722, and submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's notarized statement, dated September 3, 2009, is attached and incorporated, by reference, as part of this Order.

9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
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.

#### 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 violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 229722, heretofore issued to DAYNA M. BARTA BOATRRIGHT, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 18<sup>th</sup> day of November, 2009.



TEXAS BOARD OF NURSING

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

In the Matter of Permanent License  
Number 229722, Issued to  
DAYNA M. BARTA BOATRIGT, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAYNA M. BARTA BOATRIGT, is a Registered Nurse holding license number 229722, 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 August 31, 2008, Respondent failed to comply with the Agreed Order issued to her on April 17, 2008, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed....

A copy of the April 17, 2008, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(11)(B).

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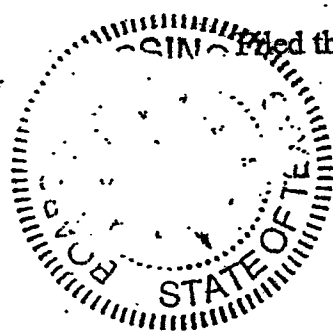
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NOTICE IS GIVEN that [redacted] will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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.state.tx.us](http://www.bon.state.tx.us).

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.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 17, 2008.



Filed this 10th day of July, 2009.

TEXAS BOARD OF NURSING

Jenelle  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

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

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) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated April 17, 2008.

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of License Number 229722           §     AGREED  
issued to DAYNA M. BARTA BOATRRIGHT       §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAYNA M. BARTA BOATRRIGHT, License Number 229722, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived notice and hearing, and agreed to the entry of this Order offered on May 6, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived 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 San Jacinto College, Pasadena, Texas on August 1, 1973, and a Bachelor of Science in Nursing from the University of Texas Medical Branch - Galveston, Galveston, Texas in 1992. Respondent was licensed to practice professional nursing in the State of Texas on November 20, 1973.
5. Respondent's professional employment history includes:  
  
1973 - 1976           Assistant Head Nurse  
                          Ben Taub Hospital  
                          Houston, Texas

Respondent's professional employment history continued:

1977 - 1978	Charge Nurse - Geriatric Care Faith Memorial Nursing Home Pasadena, Texas
1978 - 1979	Office Nurse & Manager ENT Services Office of Nabeel H. Romman, M.D., ENT Specialist Pasadena, Texas
1979 - 1998	Clinical Coordinator - Pediatric Services Columbia Bayshore Medical Center Pasadena, Texas
6/98 - 9/05	Staff Nurse TIRR Systems Houston, Texas
10/05 - 1/07	Unknown
2/07 - 3/07	Staff Nurse - Pediatrics Clear Lake Regional Medical Center Webster, Texas
4/07 - 5/07	Not Practicing Nursing
6/07 - present	Agency Staff Nurse - Med/Surg Advanced Temporaries Houston, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with TIRR Systems, Houston, Texas, and had been in this position for six (6) years and six (6) months.
7. On or about December 10, 2004, while employed with TIRR Systems, Houston, Texas, Respondent withdrew two (2) Tylenol #3 tablets from the Pyxis Medication Dispensing System for Patient Medical Record Number TU 00659166, but failed to document the administration in the patient's Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure the patient in that subsequent caregivers would rely on her documentation to further medicate the patient, which could result in over-medication.
8. On or about May 26, 2005, while employed with TIRR Systems, Houston, Texas, Respondent administered 500 mg Levaquin instead of 250 mg Levaquin to Patient Medical Record Number TR0002760031, as ordered by the physician. Respondent's conduct placed the patient at risk of symptoms of overdose including difficulty breathing, swelling of the throat, lips, tongue, and face and seizures.



9. On or about July 11, 2005, while employed with TIRR Systems, Houston, Texas, Respondent withdrew two (2) 100 mg Modafinil tablets from the Pyxis Medication Dispensing System for Patient Medical Record Number TR0002797991, but failed to document the administration in the patient's Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure the patient in that subsequent caregivers would rely on her documentation to further medicate the patient, which could result in over-medication.
10. On or about August 22, 2005, while employed with TIRR Systems, Houston, Texas, Respondent failed to document the administration of Vicodin in a timely manner in that she withdrew two (2) Vicodin tablets for Patient Medical Record Number TU00660328 at 1330 (1 1/2 hours early) from the Pyxis Medication Dispensing System and then left the unit for a break before documenting the administration. At 1400, Patient Medical Record Number TR0002797991 complained of pain to BS, RN, who checked the Medication Administration Record and noted that the patient was due for pain medication at 1500 and administered two (2) Vicodin tablets. Upon Respondent's return to the unit at 1500, she informed BS, RN, that she had administered the medication at 1330 but had not documented the administration. Respondent's conduct resulted in the patient receiving a double dose of Vicodin which may have resulted in the patient experiencing symptoms of narcotic overdose.
11. On or about August 29, 2005, while employed with TIRR Systems, Houston, Texas, Respondent withdrew one (1) Vicodin tablet for Patient Medical Record Number TU00660328 at 0730, but failed to document the administration in the patient's Medication Administration Record or Nurses Notes. Respondent's conduct was likely to injure the patient in that subsequent caregivers would rely on her documentation to further medicate the patient, which could result in over-medication.
12. At the time of the incident in Findings of Fact Numbers Thirteen (13) and Fourteen (14), Respondent was employed as a Staff Nurse with Clear Lake Regional Medical Center, Webster, Texas, and had been in this position for one (1) month.
13. On or about March 17, 2007, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent accepted an assignment when she may have lacked fitness to practice in that she acted strange and smelled of alcohol. Respondent's condition may have prevented her from delivering safe nursing care.
14. On or about March 17, 2007, while employed with Clear Lake Regional Medical Center, Webster, Texas, Respondent engaged in the imtemperate use of Alcohol in that Respondent produced a specimen for a drug screen which resulted positive for Alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
15. Respondent's last known date of sobriety is March 27, 2007. Respondent provided evidence of in patient treatment through The Next Step transitional treatment program for chemical dependency. She was discharged June 18, 2007.

16. Respondent provided evidence of random negative drug screens on April 29, 2007 and May 24, 2007 taken by The Next Step for Women. She provided attendance logs of 12 step meetings from April 6, 2007 through February 19, 2008.
17. 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.

#### 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 a violations of Section 301.452(b)(9), (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(C)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (5), & (10)(A) & (D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 229722, heretofore issued to DAYNA M. BARTA BOATRRIGHT, including revocation of Respondent's professional license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that License Number 229722, previously issued to DAYNA M. BARTA BOATRRIGHT, to practice professional nursing in Texas is hereby SUSPENDED and said suspension is enforced until March 27, 2008 provided Respondent maintains her current sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 229722 previously issued to DAYNA M. BARTA BOATRRIGHT, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable

to Respondent's multistate privilege, if any, to practice professional nursing in compact states.

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

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment program and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice professional nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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) contact 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 Chemical Dependency, 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.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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.bne.state.tx.us/about/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.bne.state.tx.us/about/stipscourses.html>.

(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING

A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(7) RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(8) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(9) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(12) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(13) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(14) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office

of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(15) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(16) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene



tramadol hydrochloride (Ultram)

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(17) RESPONDENT SHALL attend at least four (4) support group meetings each week for the first year and at least three (3) support group meetings each week for the duration of this order, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least the date of each meeting, the name of each group attended, and the signature and printed first name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,

RESPONDENT 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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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 violations 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

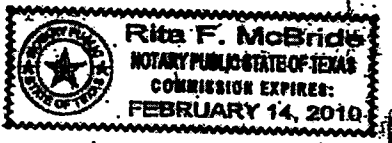
Signed this 21st day of February, 2008.  
Dayna M. Barta Boatright  
DAYNA M. BARTA BOATRIGT, Respondent

Sworn to and subscribed before me this 21st day of February, 2008.

SEAL

Rita F. McBride

Notary Public in and for the State of Texas



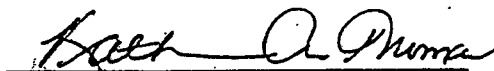
Approved as to form and substance.

[Signature]  
Louis Leichter, Attorney for Respondent

Signed this 21 day of February, 2008

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 21st day of February, 2008, by DAYNA M. BARTA BOATRRIGHT, License Number 229722, and said Order is final.

Effective this 17th day of April, 2008.



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

A CERTIFICATE OF RE-REGISTRATION TO PRACTICE PROFESSIONAL  
NURSING ISSUED BY THE TEXAS BOARD OF NURSING TO  
RN LIC. NO. **229722** VALID ONLY IN TEXAS  
CODED LIC: 01 EXPIRES  
LAST DAY OF: **JAN 2009**

DAYNA M BARTA BOATRIGHT

DAYNA M. BARTA BOATRIGHT  
2105 Strawberry Road  
Pasadena, Texas 77502  
Texas RN License #229722

*Melissa Saenz*  
EXECUTIVE DIRECTOR  
*Dayna Boatright*  
RN SIGNATURE REQUIRED

Voluntary Surrender Statement

September 3, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I, Dayna M. Barta Boatright, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature *Dayna Boatright*  
Date *10/1/09*  
Texas Nursing License Number/s *229722*

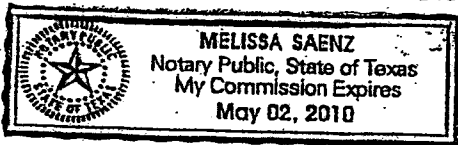
The State of Texas

Before me, the undersigned authority, on this date personally appeared DAYNA M. BARTA BOATRIGHT who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the *1st* day of *October*, 2009.

SEAL

*Melissa Saenz*  
Notary Public in and for the State of *TX*



Re: Permanent Registered Nurse License Number 229722  
Issued to DAYNA M BARTA BOATRRIGHT  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of December, 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

DAYNA M BARTA BOATRRIGHT  
2105 STRAWBERRY ROAD  
PASADENA, TX 77502



BY:

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