

IN THE MATTER OF PERMANENT §  
REGISTERED NURSE LICENSE §  
NUMBER 575079 ISSUED TO §  
DONNIE RAY SANDERS §

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: Donnie Ray Sanders  
Rt 1  
Atwood, OK 74827

During open meeting held in Austin, Texas, on **February 11, 2014**, 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 575079, previously issued to DONNIE RAY SANDERS, 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 11th day of February, 2014.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed October 3, 2013.

Re: Permanent Registered Nurse License Number 575079  
Issued to DONNIE RAY SANDERS  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of February, 2014, 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

Donnie Ray Sanders  
Rt 1  
Atwood, OK 74827

Via USPS First Class Mail

Donnie Ray Sanders  
4489 N. 374 RD  
Atwood, OK 74827

BY:



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

**In the Matter of Permanent  
Registered Nurse License  
Number 575079 Issued to  
DONNIE RAY SANDERS,  
Respondent**

§  
§  
§  
§  
§

**BEFORE THE TEXAS  
  
  
  
BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNIE RAY SANDERS, is a Registered Nurse holding License Number 575079, 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 January 29, 2013, Respondent was issued a Supplemental Order by the Oklahoma Board of Nursing wherein Respondent's application for reinstatement to practice professional nursing in the State of Oklahoma was held in abeyance pending evaluation by a Ph.D., licensed psychologist regarding fitness to practice with other terms and conditions. A copy of the Supplemental Order issued by the Oklahoma Board of Nursing, dated January 29, 2013 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)(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).

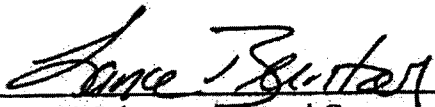
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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 attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Supplemental Order issued by the Oklahoma Board of Nursing, dated January 29, 2013.

Filed this 3<sup>rd</sup> day of October, 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: Supplemental Order issued by the Oklahoma Board of Nursing, dated January 29, 2013.

D/2012.06.19

**BEFORE THE OKLAHOMA BOARD OF NURSING**

IN THE MATTER OF DONNIE RAY SANDERS, r.n.  
LICENSE NO. R0032405 (LAPSED)

**SUPPLEMENTAL ORDER**

This matter comes on for hearing before the Oklahoma Board of Nursing ("Board") on the 29th day of January, 2013, at the Fairfield Inn & Suites, 4521 S.W. 15<sup>th</sup> St., Oklahoma City, Oklahoma. The matter is brought upon the recommendation of the Informal Disposition Panel to amend the prior Order of the Board entered herein on July 26, 2012.

Jim Burns, R.N., Nurse Investigator with the Board, appears in person and Donnie Ray Sanders, r.n. (hereinafter "Respondent"), received notice and appears in person before the Informal Disposition Panel on January 15, 2013.

**FINDINGS**

After hearing all the evidence presented and upon due consideration thereof, the Board finds:

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0032405, issued by the Oklahoma Board of Nursing, said license is currently lapsed.
2. Respondent has submitted an Application for Reinstatement or Return to Active Status of License to practice registered nursing in the State of Oklahoma.
3. On January 30, 2002, Respondent was issued an Order of the Board for Respondent's Application to Reinstate his registered nurse license to be held in abeyance until Respondent successfully completes the NCLEX-R.N., within one (1) year from the date of the Order. Upon completion of the NCLEX-R.N., within one (1) year, Respondent's registered nurse

license is reinstated and placed on supervised practice with certain conditions specified in the Order. Said Order is attached as Exhibit "A" and made a part hereof.

4. Respondent successfully completed the NCLEX-R.N. in July 2002.

5. On October 28, 2002, an Order to Appear and Show Cause before the Board was filed for alleged violations of Respondent's Order as follows:

a. Respondent failed to comply with the Board's Guidelines for Supervised Practice by working unsupervised on eight (8) separate shifts for seven (7) hours per shift.

The Order to Appear and Show Cause is hereby incorporated by reference as if set forth in full herein.

6. On November 21, 2002, Respondent was issued an Order of the Board for Respondent's license to remain in effect under the terms and conditions of the January 30, 2002, Board Order, and the Order to Appear and Show Cause was set aside. Said Order is attached as Exhibit "B" and made a part hereof.

7. On March 20, 2003, Respondent's license was placed in cease practice due to Respondent's failure to submit to random body fluid testing on March 19, 2003.

8. On May 1, 2003, an Order to Appear and Show Cause before the Board was filed for alleged violations of Respondent's Order as follows:

a. Respondent failed to submit a specimen for Body Fluid Testing on March 19, 2003.

The Order to Appear and Show Cause is hereby incorporated by reference as if set forth in full herein.

9. On May 28, 2003, Respondent was issued an Order of the Board suspending Respondent's registered nurse license for three (3) months with certain conditions specified in the Order. Said Order is attached as Exhibit "C" and made a part hereof.

10. On May 17, 2012, Respondent submitted an Application for Reinstatement or Return to Active Status of License to practice registered nursing in the State of Oklahoma.

11. On June 12, 2012, Respondent's registered nurse license was reinstated with supervised practice with terms and conditions of the January 30, 2002, Order to remain in full force and effect, except those previously satisfied.

12. On July 26, 2012, Respondent was issued a Supplemental Order that amended the terms of the Order entered on January 30, 2002, to permit Respondent an additional twenty-four (24) months in which to complete twelve (12) months of supervised practice under the Board's current Supervised Practice Guidelines. In addition, the Respondent's body fluid testing, should be no fewer than two times per month and accomplished under the Board's current Body Fluid Testing Guidelines. Said Order is attached as Exhibit "D" and made a part hereof.

13. On September 27, 2012, an Order to Appear and Show Cause was filed for alleged violations of Respondent's Order as follows:

- a. Respondent failed to timely submit a Self Assessment Report to the Board by the due date, July 12, 2012, as more particularly set forth in Respondent's Compliance Log, attached as Exhibit "B" to the Order to Appear and Show Cause. The Respondent's Self Assessment Report was received by the Board on August 27, 2012.

The Order to Appear and Show Cause is hereby incorporated by reference as if set forth in full herein.

14. Respondent's license to practice registered nursing in the State of Oklahoma lapsed on the 1st day of October, 2012.



15. On October 18, 2012, the Respondent submitted an Application for Reinstatement or Return to Active Status of License to practice registered nursing in the State of Oklahoma.

16. On November 15, 2012, an Amended Order to Appear and Show Cause was filed for alleged violations of Respondent's Order as follows:

- a. Respondent failed to timely submit a Self Assessment Report to the Board by the due date, July 12, 2012, as more particularly set forth in Respondent's Compliance Log, attached as Exhibit "B" to the Amended Order to Appear and Show Cause. The Respondent's Self Assessment Report was received by the Board on August 27, 2012.

The Amended Order to Appear and Show Cause is hereby incorporated by reference as if set forth in full herein.

17. The Informal Disposition Panel, on January 15, 2013, recommended that Respondent's Application for Reinstatement or Return to Active Status of License to practice registered nursing in the State of Oklahoma should be held in abeyance until an Evaluation of Respondent's fitness to practice is reviewed by the Board.

18. The Informal Disposition Panel found that Respondent has shown cause why no further action should be taken and recommends that no further action should be taken on the Amended Order to Appear and Show Cause in this matter. Further, the Informal Disposition Panel finds that Respondent should obtain an Evaluation, performed by a Ph.D., licensed psychologist, of Respondent's fitness to practice. The Evaluation shall be provided to the Board office within one hundred eighty (180) days of Respondent's receipt of this Order.

19. The Board finds that the Panel's recommendation should be accepted.

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's Application for Reinstatement or Return to Active Status of License to practice

registered nursing in Oklahoma be and hereby is held in abeyance until an Evaluation of Respondent's fitness to practice is reviewed by the Board.

IT IS FURTHER ORDERED that Respondent has shown cause why no further action should be taken and recommends that no further action should be taken on the Amended Order to Appear and Show Cause in this matter.

IT IS FURTHER ORDERED by the Oklahoma Board of Nursing that Respondent shall obtain an Evaluation, performed by a Ph.D., licensed psychologist, of Respondent's fitness to practice. The Evaluation shall be provided to the Board office within one hundred eighty (180) days of Respondent's receipt of this Order.

IT IS FURTHER ORDERED that within **one hundred eighty (180) days** of receipt of this Order, Respondent shall submit documentation of an Evaluation of **fitness to practice**, performed by a Ph.D., licensed psychologist, which complies with this Board's Evaluation Criteria, a copy of which is attached hereto and made a part of this Order.

- a. Respondent shall provide a copy of this Order and the Board's Evaluation Criteria to an Evaluator on the provider list of the Board and shall sign consents to disclose information between the Oklahoma Board of Nursing and the approved Board Evaluator.
- b. Evaluator shall discuss findings and recommendations with Respondent and shall submit the Evaluation on letterhead directly to the Oklahoma Board of Nursing to include a summary of all assessments completed with tools utilized, diagnosis, prognosis, summary/recommendations and course of treatment if recommended.

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

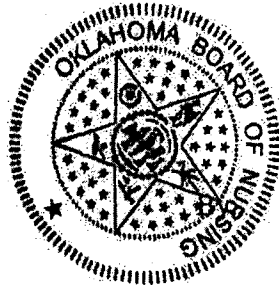
IT IS FURTHER ORDERED that any failure to comply with submission of documentation by third parties, including late reports, unsatisfactory reports, or other violations of the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Board to **Show Cause** why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

IT IS FURTHER ORDERED, that 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 the Respondent is served by a process server the Respondent shall 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.

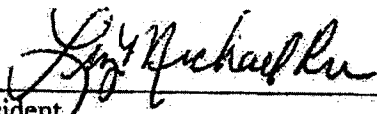
IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, reimbursement of cost of process server, or written documentation by the due date, including but not limited to self-assessment reports, will result in a three (3) month suspension of license. At the completion 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 except as amended herein, all of the terms and conditions of Respondent's Orders entered on January 30, 2002, and July 26, 2012, shall remain in full force and effect, except those previously satisfied.



OKLAHOMA BOARD OF NURSING

  
\_\_\_\_\_  
President

SW:ad

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DONNIE RAY SANDERS, R.N.  
LICENSE NO. R0032405

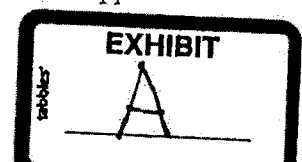
ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing on the 30th day of January, 2002, at the Holiday Inn Conference Center, 2101 South Meridian, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing, except Audrey Baugh, L.P.N.; who is absent.

The Board is represented by Charles C. Green, attorney at law, and Respondent appears in person without counsel.

FINDINGS

1. Proper notice of this hearing has been served on Respondent as required by law.
2. Respondent's license to practice registered nursing lapsed on October 1, 1998.
3. Respondent has submitted his Application for Reinstatement to practice registered nursing in the State of Oklahoma.
4. On January 20, 1988; in the District Court of Pottawatomie County, Oklahoma, Case No. CRF-88-11, Respondent pled guilty to Driving While Under the Influence of Intoxicating Liquor, Second and Subsequent Offense, and was sentenced to two (2) years imprisonment and fined \$200.00, which was suspended, and Respondent ordered to pay all costs and successfully complete the D.A.R.E. Program.
5. On October 14, 1997, the District Attorney for Hughes County filed in the District Court for Hughes County, Case No. CF-97-142, A Felony Information and Supplemental



Information charging Respondent with Operating A Motor Vehicle While Under The Influence of Alcohol Second and Subsequent Offense, and on June 10, 1998, respondent pled guilty to the charge and was sentenced to five (5) years imprisonment which was suspended, and Respondent placed on supervised probation and ordered to pay all costs and seek substance abuse treatment at the direction of the probation officer.

6. During the period July 1, 1988, through October 1, 1998, Respondent filed Applications for Renewal of License and Reinstatement of License with the Board, in which he represented that he had not been arrested and had not been convicted of any offense within the last five (5) years, not previously reported to the Board, and had not been convicted of a felony.

#### CONCLUSION

Respondent is guilty of fraud and deceit in procuring a license to practice registered nursing, is guilty of a felony, and is guilty of unprofessional conduct as that term is defined in the Rules promulgated by the Oklahoma Board of nursing, specifically §§485:10-11-1(b)(A) and (7)(E) and (H), in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, et seq., specifically §567.8B. 1.a, 2 and 7, and that such is grounds to deny Respondent's Application to Reinstate; however, the Board further concludes that the Application should be held in abeyance as provided in the Order below.

#### ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the Application to Reinstate the license to practice registered nursing in the State of Oklahoma held by Donnie Ray Sanders, R.N., being License No. R0032405, is hereby held in abeyance pending Respondent's successful completion of the NCLEX-RN, within one (1) year from the date this Order is received by Respondent.

IT IS FURTHER ORDERED that should Respondent fail to successfully complete the NCLEX-RN, within the one (1) year period, Respondent must re-apply and pay the appropriate fee to take the NCLEX-RN.

IT IS FURTHER ORDERED that upon the successful completion of the NCLEX-RN, Respondent's license to practice registered nursing in the State of Oklahoma shall be reinstated and Respondent placed on probation as follows:

1. Respondent be placed on probation for twelve (12) months employment as a nurse, such employment to be completed within twenty-four(24) months.
2. The employment of Respondent during such probationary period be in a health care agency, under the supervision of an RN only, which will agree to comply with this Board's Guidelines for Supervised Practice, a copy of which is attached hereto and made a part of this Order.
3. Respondent submit to periodic body fluid testing in accordance with and in compliance with the Board's Procedure for Body Fluid Testing, a copy of which is attached hereto and made a part hereof, at least once each quarter during such probationary period, and that the results thereof be submitted to the Board immediately.
4. Respondent remain free of alcohol and unprescribed drugs during the period of probation. Any prescribed drug must be verified by Respondent verbally to the Board's office within seventy-two (72) hours and in writing to the Board by the prescribing physician on the physician's letterhead within ten (10) days.
5. Respondent cause to be furnished to the Board quarterly self-assessment reports, in accordance with and in compliance with the Board's Self Assessment Report Guidelines, a copy of which is attached hereto and made a part of this Order. The report is to be received in the Board office by the fifteenth (15th) day of the first month of each quarter with the first report due

in the first quarter occurring after the reinstatement of Respondent's license.

6. Respondent comply with this Board's Guidelines for Staff/Board Conferences, a copy of which is attached hereto and made a part hereof.

7. A copy of this Order and the attachments and any amendments thereto be furnished to current and each prospective nursing employer.

8. The terms of this Order shall apply to the practice of nursing of any kind, including practice while enrolled in a nursing education program.

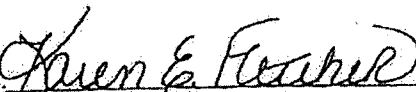
9. Respondent's pocket license card, after paying the applicable fee, is to be marked "Restricted".

10. Respondent shall notify the Board's office immediately of any change of address or name.

IT IS FURTHER ORDERED that any failure to comply with any terms of Respondent's probation, including a positive drug screen, late reports, unsatisfactory reports, or violations of the Oklahoma Nursing Practice Act, will require Respondent's appearance before the Board to show cause why Respondent's probation and license should not be revoked.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of Respondent's probation such probation shall terminate without further order of this Board.

OKLAHOMA BOARD OF NURSING

By:   
Vice-President



BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DONNIE RAY SANDERS, R.N.  
LICENSE NO. R0032405

ORDER

This matter comes on for hearing before the Oklahoma Board of Nursing on the 21st day of November, 2002, at the Holiday Inn Conference Center, 401 South Meridian Avenue, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing, except Karen Fletcher, R.N., and Brenda Scarborough, L.P.N., who are absent.

The Board is represented by Charles C. Green, attorney at law, and Respondent appears in person without counsel.

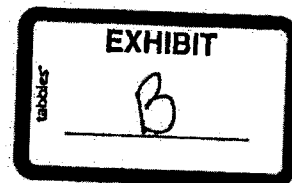
FINDINGS

After hearing all the evidence presented and upon due consideration thereof, the Board finds:

1. Proper notice of this hearing has been served on Respondent as required by law.
2. Respondent has shown cause why his license should not be revoked or suspended, or further disciplined.

CONCLUSION

The Board concludes that the license to practice registered nursing held by Donnie Ray Sanders, R.N., being License No. R0032405, should remain in effect and the Order to Appear and Show Cause should be dismissed.



ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the Order to Appear and Show Cause against the license to practice registered nursing held by Respondent is hereby set aside, and Respondent's license remain in effect subject to all of the terms and conditions of previous Orders regarding his license.

OKLAHOMA BOARD OF NURSING

By: Sandra Byers  
Vice President

Deborah Booton-Hiser, R.N., A.R.N.P., and Teresa Frazier, R.N., M.S., dissent.

ccg/02-173/328988v7

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DONNIE RAY SANDERS, R.N.  
LICENSE NO. R0032405

ORDER

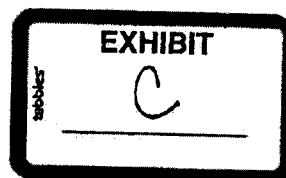
This matter comes on for hearing before the Oklahoma Board of Nursing on the 28th day of May, 2003, at the Holiday Inn Conference Center, 2101 South Meridian, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing, except Karen Fletcher, R.N.; Heather Sharp, L.P.N.; and Lee Kirk, Public Member, who are absent.

The Board is represented by Charles C. Green, Attorney at Law, and Respondent appears in person without counsel.

FINDINGS

After hearing all the evidence presented and upon due consideration thereof, the Board by clear and convincing evidence finds:

1. Proper notice of this hearing was served on Respondent as required by law.
2. Respondent is licensed to practice registered nursing and is the holder of license No. R0032405, issued by the Oklahoma Board of Nursing.
3. By Order entered January 30, 2002, Respondent was required to submit to periodic body fluid testing at least once each quarter during his probationary period and submit the results of the test to the Board.
4. Respondent failed to submit a specimen for testing on March 19, 2003.
5. On the May 1, 2003, an Order to Appear and Show Cause was issued by the Oklahoma Board of Nursing for violation of the terms of the Order of January 30, 2002.
6. Respondent has not shown cause why his license should not be revoked or suspended.



7. In considering the factors for the imposition of an administrative penalty, the Board finds that in addition to the violation of the Oklahoma Nursing Practice Act by Respondent, the Board has considered those factors set forth in §485-10-11-2(d) of the Rules promulgated by the Oklahoma Board of Nursing, specifically, the deterrent effect of the penalty imposed.

#### CONCLUSION

The Board concludes that Respondent is guilty of violating an Order of this Board in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. 5671.1, et. seq., specifically § 567.8 B. 9 thereof, and that such is grounds for suspension or revocation of Respondent's license, and the imposition of an administrative penalty as provided in 59 O.S. §567.8A2, specifically, §485:10-11-2(d)(9) of the Rules promulgated by the Oklahoma Board of Nursing.

#### ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the license to practice registered nursing held by Donnie Ray Sanders, R.N., is suspended for three (3) months.

IT IS FURTHER ORDERED that Respondent pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of One Hundred and no/100 dollars (\$100.00). 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.

IT IS FURTHER ORDERED that any application to reinstate Respondent's license shall be approved by the Board Staff.

IT IS FURTHER ORDERED that the terms of the Order of January 30, 2002, not previously satisfied by Respondent, are extended for an additional three (3) months commencing on the reinstatement of Respondent's license.

OKLAHOMA BOARD OF NURSING

By: *Shirley Bejerman*  
President

Deborah Booton-Hiser, Ph.D., R.N., A.R.N.P.; Teresa Frazier, R.N., M.S.; and Sue Mitchell, R.N.,  
dissent

ccg/01-173/329160v7

THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DONNIE RAY SANDERS, R.N.  
LICENSE NO. R0032405

SUPPLEMENTAL ORDER

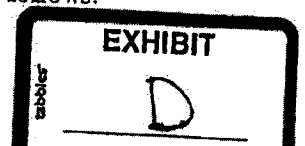
This matter comes on for hearing before the Oklahoma Board of Nursing (Board) on the 26<sup>th</sup> day of July, 2012, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma. The matter is brought upon the recommendation of the Informal Disposition Panel to amend the prior Order of the Board entered herein on January 30, 2002.

Jim Burns, R.N., Nurse Investigator with the Board, appears in person and Donnie Ray Sanders, R.N., (hereinafter "Respondent"), received notice and appeared in person before the Informal Disposition Panel on July 10, 2012.

FINDINGS

After hearing all the evidence presented and upon due consideration thereof, the Board finds:

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0032405 issued by the Oklahoma Board of Nursing.
2. On January 30, 2002, Respondent entered into an Order of the Board for Respondent's license to be placed on probation with certain conditions specified in the Order. Said Order is attached as Exhibit "A" and made a part hereof. The Application for Reinstatement is to be held in abeyance.
3. On October 28, 2002, an Order to Appear and Show Cause before the Informal Disposition Panel was filed for alleged violations of Respondent's Order as follows:



- a. Respondent failed to comply with the Board's Guidelines for Supervised Practice by working unsupervised on eight (8) separate shifts for seven (7) hours per shift.
4. On November 21, 2002, Respondent entered into an Order of the Board for Respondent's license to be placed on probation with certain conditions specified in the Order. Said Order is attached as Exhibit "B" and made a part hereof.
5. On March 20, 2003, Respondent's license was placed in cease practice due to Respondent's failure to submit for Body Fluid Testing on March 19, 2003.
6. On May 1, 2003, an Order to Appear and Show Cause before the Informal Disposition Panel was filed for alleged violations of Respondent's Order as follows:
  - a. Respondent failed to submit a specimen for body fluid testing on March 19, 2003.
7. On May 28, 2003, Respondent entered into an Order of the Board placing Respondent's license on suspension for three (3) months with certain conditions specified in the Order. Said Order is attached as Exhibit "C" and made a part hereof.
8. On June 11, 2012, Respondent's license was reinstated with the terms of the January 30, 2002, Order to remain on probation with the terms and conditions of the previous Order to remain in full force and effect, except those previously satisfied.
9. Board staff has requested that the terms of said Order be amended to Respondent additional time to complete his probationary period.
10. Board staff has presented sufficient evidence to show that the request, if granted, will constitute satisfactory compliance with the terms of Respondent's Order.
11. The Board finds that Board staff's request should be granted and Respondent's Order should be amended to permit Respondent an additional 24 months in which

to complete 12 months of supervised practice. The supervised practice should be performed under the Board's current Supervised Practice Guidelines. In addition, the Respondent's body fluid testing should be no fewer than two times per month and should be accomplished under the Board's current Body Fluid Testing Guidelines.

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the terms of the Order entered in this matter on January 30, 2002, be and hereby are amended to permit Respondent an additional 24 months in which to complete 12 months of supervised practice. The supervised practice must be performed under the Board's current Supervised Practice Guidelines. In addition, the Respondent's body fluid testing must be no fewer than two times per month and should be accomplished under the Board's current Body Fluid Testing Guidelines.

IT IS FURTHER ORDERED, that 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 the Respondent is served by a process server the Respondent shall 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.

IT IS FURTHER ORDERED that any failure to comply with submission of the reimbursement of cost of process service, 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 except as amended herein, all of the terms and conditions of Respondent's Order entered on January 20, 2012, shall remain in full force and effect, except those previously satisfied.

OKLAHOMA BOARD OF NURSING



*[Handwritten Signature]*  
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President

SW:tj