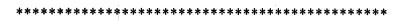
BEFORE THE TEXAS BOARD OF NURSING



In the Matter of \$
Registered Nurse License Number 761117 \$
issued to DEYONDRA LAFAYE WHITE \$



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 761117, issued to DEYONDRA LAFAYE WHITE, 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 representation by counsel, informal proceedings, notice and hearing.
- 3. Respondent received a Baccalaureate Degree in Nursing from Souther University School of Nursing, Baton Rouge, Louisiana, on May 9, 2008. Respondent was licensed to practice professional nursing in the State of Texas on September 23, 2008.
- 4. Respondent's complete professional nursing employment history is unknown.
- 5. Formal Charges were filed on March 6, 2014. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
- 6. Formal Charges were mailed to Respondent on March 10, 2014.

- 7. On May 12, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated April 24, 2014, is attached and incorporated herein by reference as part of this Order.
- 8. 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.
- 9. 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 761117, heretofore issued to DEYONDRA LAFAYE WHITE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
- 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 301.453(d), 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 761117, heretofore issued to DEYONDRA LAFAYE WHITE, to practice nursing in the State of Texas, is/are 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/s is/are 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 12th day of May, 2014.

TEXAS BOARD OF NURSING

By:

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf

Executive Director on behalf

of said Board

Deyondra L. White

1331 N 29th St.

Baton Rouge, LA 70802

Texas State Board of Nursing

333 Guadalupe, Suite 3-460

Austin, TX 78701

Attn: Paul Longoria

I, Deyondra La'Faye White (RN 761117), am writing this letter, as an approved document, to formally surrender my RN Texas license. Please continue to contact me as necessary for needed documentation and/or required forms.

Thanks in advance,

Deyondra L. White, BSN, RN

Crihaun Hoyal

CRISHAUNA LLOYD
Notary Public
State of Louisiana
Notary ID # 137242
My Commission is for Life

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 761117	Š	
Issued to DEYONDRA LAFAYE WHITE,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEYONDRA LAFAYE WHITE, is a Registered Nurse holding License Number 761117, 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 December 9, 2013, Respondent's registered nurse license was issued a probated suspension through a Consent Order by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Consent Order dated December 9, 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.

CHARGE II.

On or about February 14, 2014, Respondent's registered nurse license was Suspended by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of a letter dated February 14, 2014, ordering Respondent to Cease and Desist the practice of nursing in Louisiana 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 and Tex. Occ. Code Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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

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

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Consent Order dated December 9, 2013, and letter dated February 14, 2014.

Filed this 6 day of Morch, 20 //

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

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

John Vanderford, Assistant General Counsel State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460 Austin, Texas 78701

P: (512) 305-6811

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

Attachments: Consent Order dated December 9, 2013, and letter dated February 14, 2014.

D/2013.11.19

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: DEYONDRA LA'FAYE WHITE 1331 N 29TH ST BATON ROUGE, LA 70802 Respondent

*

RN135417 CONSENT ORDER

TERMS AGREED TO BY LICENSEE

- I, DEYONDRA LA'FAYE WHITE, (Respondent), voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.
- I, DEYONDRA LA'FAYE WHITE, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

- On or about November 30, 2011, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
- 2. On or about April 12, 2013, Respondent was arrested by the East Baton Rouge Sheriff's Office for Open Container, Driving While Intoxicated, Open Container and Possession of Legend Drug after Respondent was stopped at a marked sobriety checkpoint. Respondent submitted an accurate Intoxilyzer sample that yielded a blood alcohol content of .075g%. Upon search of the vehicle, 3 unidentified legend drugs were located along with 3 cigarette butts that appeared to be Marijuana. On July 30, 2013 in the 19th Judicial District Court of East Baton Rouge Parish, a Bill of Information was filed for the amended charge of Reckless Operation. On August 6, 2013 Respondent pled guilty to the amended charge of Reckless Operation under Article 894 with deferred imposition of sentencing for 6 months. Respondent was placed on bench probation for 6 months with conditions.

To facilitate submission of this Consent Agreement, I do not offer any defense to the <u>FINDINGS OF FACTS</u>. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911, et seq. I admit to all of the above facts and I agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board. I understand that this will be reported to the National Practitioners Data Bank (NPDB) as 18, Deferred Adjudication.

NPDB Narrative: RN's license was suspended with stay and probated for a minimum of two (2) years with stipulations after RN pled guilty to the amended charge of Reckless Operation and received deferred adjudication for a period of six (6) months.

I further acknowledge and attest that I have fully cooperated with the Louisiana State Board of Nursing in resolving this matter and intend to comply with all stipulations of this Order.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board: The license of this registrant is suspended, with a stay of the said suspension, and that the license is probated for a minimum of two (2) years, with the following stipulations:

Du Initials

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: DEYONDRA LA'FAYE WHITE 1331 N 29TH ST BATON ROUGE, LA 70802 Respondent

RN135417 CONSENT ORDER

TERMS AGREED TO BY LICENSEE

1. Within 60 days, submit to comprehensive inpatient psychiatric, psychological, and substance abuse evaluation, at Respondent's expense, at a Board-recognized evaluation and treatment center; shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.

2. Shall submit <u>all pages</u> of this agreement to each evaluator prior to the start of the evaluations in order for the evaluation to be deemed valid.

Respondent hereby consents to the release of the following by board staff to Respondent's above-described evaluators: Any and all information, documents and other records related to conditions, diagnoses and matters described in this document.

4. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. If monitoring is recommended, license suspension with stay and probation shall be required and Respondent must work and practice nursing in the state of Louisiana during the monitoring time period. This stipulation shall continue until Respondent is fully discharged by the respective professionals and until approved by the Board staff.

5. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate to the satisfaction of the Board that Respondent poses no danger to the practice of nursing or to the public and that Respondent can safely and competently perform the duties of a Registered Nurse. If the Board approves continued licensure, the probation period, conditions or stipulations, may be revised to ensure that patients and the public are protected.

6. If diagnosed with chemical dependency or abuse of alcohol and/or other mood-altering substances that has compromised or may compromise Respondent's capacity to practice nursing with skill and safety, must immediately sign Recovering Nurse Program (RNP) agreement and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years. License suspension with stay and probation shall be extended to run concurrently, on the same dates, with RNP participation.

7. Shall remain free of alcohol and all un-prescribed mood altering substances. Any mood altering, addictive, or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician (or other qualified treating prescriber(s)) knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the prescribing physicians/qualified prescriber(s) within five (5) days from the effective date of this agreement/order and within five (5) days from the date(s) of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.

8. Shall maintain complete and total abstinence from any and all potentially addictive chemicals whether over-the-counter, scheduled or unscheduled (including but not limited to alcohol, alcohol containing products, marijuana, tranquilizers, sedatives, stimulants, narcotics, opioids including ultram (tramadol), nubain, soporifics, androgenic steroids, or any other addictive drug) except as prescribed for a bona fide medical condition by a healthcare provider who is knowledgeable in, and aware of Respondent's history with the Board.

Initials

LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: DEYONDRA LA'FAYE WHITE 1331 N 29TH ST BATON ROUGE, LA 70802 Respondent

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RN135417

CONSENT ORDER

TERMS AGREED TO BY LICENSEE

- 9. Shall voluntarily submit to random and observed drug screens, for a minimum of 24 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 24 times a year. It is the Respondent's responsibility to assure that lab personnel observe all urine specimen collections. If urine specimen collection is not observed the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance with checking daily is monitored and failure to check may result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
- 10. Shall avoid exposure to anything that will cause a urine drug test to be positive. In that regard, Respondent shall avoid such items as "hemp oil" "coca tea" and poppy seeds (which can be found in curry sauces, breads, salad dressings, and in or on other foods). Respondent agrees to not use ethyl alcohol in any form (including N.A. or alcohol- "free" wine or beer, over-the-counter drugs containing alcohol (cough syrup, Nyquil or other similar OTC drugs or supplements), mouthwash or other hygiene products containing ethanol, foods containing ethanol (desserts, vanilla extract, etc.), communion wine, or any other form of ethyl alcohol). Intentional use of any of these products or medications without a physician's order is a violation of this order.
- 11. Respondent agrees to execute a written authorization, along with execution of this Consent Order, allowing the Louisiana State Board of Nursing, and any authorized designees thereof, to access prescription monitoring information submitted to, or maintained by, the Louisiana Board of Pharmacy through its Prescription Monitoring Program (PMP) for the purpose of monitoring compliance with this Order and to determine fitness and ability to practice nursing with reasonable skill and safety. Respondent shall cause to be submitted a completed authorization release form to the Louisiana Board of Pharmacy and shall cause information and reports to be sent to the Louisiana State Board of Nursing, such written authorization to be effective for the duration of this Order. Respondent may also be required during this time period duration to provide to the board/board staff copies of prescription monitoring information maintained by the Board of Pharmacy.
- 12. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Respondent is responsible to submit a copy of <u>all</u> pages of this agreement to <u>each</u> employer and nursing supervisor.
- 13. Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.
- 14. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment. Quarterly reports are due on or before the first day of January, April, July and October.
- 15. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes.



LOUISIANA STATE BOARD OF NURSING BATON ROUGE, LOUISIANA

IN THE MATTER OF: DEYONDRA LA'FAYE WHITE 1331 N 29TH ST BATON ROUGE, LA 70802 Respondent

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RN135417

CONSENT ORDER

TERMS AGREED TO BY LICENSEE

- 16. Submit certified copies of all criminal charges. Have resolved any and all pending criminal arrests, convictions, probation, and parole including any pre-trial diversion programs prior to request for Board consideration.
- 17. Immediately (within 72 hours) inform the Board in writing of any change in address.
- 18. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
- 19. If unemployed, inform the Board in writing on a quarterly basis.
- 20. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum 12 consecutive months.
- 21. Within twelve (12) months, submit payment of \$200.00 to the Board as cost of Consent Order.
- 22. Within twelve (12) months, submit payment of \$1,500.00 to the Board as fine.
- 23. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning January 1, 2014.
- 24. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
- 25. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of Respondent's license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

I, DEYONDRA LA'FAYE WHITE, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Agreement not be accepted by the Board, I agree that presentation to and consideration of the Consent Agreement, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this Respondent.

Dated this <u>lp</u> day of <u>lQ</u>, 2013

Witness

DEYONDRA LA'FAYE WHITE

Wilness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvani, MN, RN, 19/9/2013

Executive Director

Initials

Louisiana State Board of Nursing

17373 Perkins Road
Baton Rouge, LA 70810
Telephone: (225) 755-7500 Fax: (225) 755-7583
http://www.lsbn.state.la.us

Certified Mail
Return Receipt Requested

February 14, 2014

Ms. DEYONDRA LA'FAYE WHITE 1331 N 29TH ST BATON ROUGE, LA 70802

Dear Ms. WHITE:

Reference is to the Consent Order with the Board effective December 9, 2013. This order suspended your Louisiana RN license with stay and probation, contingent upon stipulations, including but not limited to the following:

- Shall voluntarily submit to random and observed drug screens, for a minimum of 24 times a year, inclusive of bodily fluids, breath analysis, hair analysis, or any other procedure as may be directed by the Board and/or employer. If selected for a screen, failure to provide sufficient specimen (bodily fluids, hair, nails etc.) for analysis or failure to test may be considered a positive screen. Random drug screens will be a minimum of 24 times a year. It is the Respondent's responsibility to assure that lab personnel observe all urine specimen collections. If urine specimen collection is not observed the results are invalid. The Respondent agrees to call the toll free number or check the testing notification via computer daily. Compliance with checking daily is monitored and failure to check may result in additional screens. It is the Respondent's responsibility to maintain a current account with testing administrator. If Respondent misses a test due to a suspended account or fails to test on the day of notification it will be considered a positive screen and appropriate action will be taken including but not limited to, further evaluation, additional testing, and suspension of license. The results of any such testing will be reported directly to the Board. Any and all such testing shall be performed at Respondent's expense. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
- Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures
 and of the probationary status of license. Respondent is responsible to submit a copy of all pages of
 this agreement to each employer and nursing supervisor.
- Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.

A review of your file reveals that you are not in compliance with the aforementioned Order, specifically, you have never activated an account with First Lab for drug testing. A letter was mailed to you on January 14, 2014 indicating you must activate the account within ten (10) days. The Board has not received notification from your employer that your consent order has been reviewed, nor has the Board received an employer's agreement.

The order further states that failure to comply with the stipulations, or receipt of an unfavorable report shall result in the immediate suspension of your license. Therefore, your Louisiana RN license is suspended.

YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.

This will be reported to the National Practitioner Data Bank (NPDB) as 1135: Suspension of License; A5: Violation of or Failure to Comply with Licensing Board Order

NPDB Narrative: Respondent signed Consent Order with Board on December 9, 2013 and failed to comply with stipulations.

If at some time in the future you can present evidence that the cause for the disciplinary action no longer exists and/or no longer affects your ability to practice nursing safely, you may petition the Board to request approval for the reinstatement of your RN license. If approval is granted after this, a period of probation with stipulations would be required.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

LOUISIANA STATE BOARD OF NURSING

Karen C. Lyon, PhD, RN, NEA

Executive Director

cc: Kitwana Johnson, RN
Nurse Manager ASSA
East Louisiana State Hospital
P.O. Box 498
Jackson, LA 70748