



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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of §  
Registered Nurse License Number 625720 §  
& Vocational Nurse License Number 73574 §  
issued to DONNA B SPIKES §

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 625720, and Vocational Nurse License Number 73574, issued to DONNA B SPIKES, 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 licenses to practice vocational and professional nursing in the State of Texas are currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received Certificate in Vocational Nursing from Seymour Hospital Authority, Seymour, Texas, on September 6, 1977, and received a Baccalaureate Degree in Nursing from Texas Tech University, Lubbock, Texas, on December 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1977, and was licensed to practice professional nursing in the State of Texas on February 5, 1996.

4. Respondent's nursing employment history includes:

2/96 - 9/97	LVN	Austin State Hospital Austin, Texas
10/78 - 5/82	LVN	St. David's Hospital Austin, Texas
6/82 - 1/84	Unknown	
2/84 - 12/84	LVN	Brazos Valley Care Center Knox City, Texas
1/85 - 11/98	Unknown	
12/98 - 12/91	LVN	Stanford Memorial Hospital Stanford, Texas
1/92 - 2/94	LVN	Methodist Hospital Lubbock, Texas
3/94 - 12/95	Unknown	
1/96 - 5/97	RN	Bethania Regional Health Care Center Wichita Falls, Texas
5/97 - 7/97	RN	Home Health of Rural Texas Seymour, Texas
6/97 - 12/97	RN	Cornerstone Home Health Munday, Texas
1/98 - 3/98	Unknown	
4/98 - 3/99	RN	Rolling Plains State Operated Community Services Wichita Falls, Texas
4/99 - 8/99	Unknown	
9/99 - 6/00	RN	Red River Behavioral Healthcare Center Wichita Falls, Texas

Respondent's nursing employment history continued:

6/00 - 1/02	RN	Nurse Finders Wichita Falls, Texas
2/02 - 10/02	RN	Olney Homilton Hospital Olney, Texas
10/02 - 6/03	RN	Seymour Hospital Seymour, Texas
7/03 - 7/04	Unknown	
8/04 - 3/06	RN	United Regional Health Care System Wichita Falls, Texas
4/06 - 4/08	Unknown	
5/08 - 8/09	RN	Private Care Seymour, Texas
9/09 - 6/10	Unknown	
7/10 - 3/11	RN	Austin State Supported Living Center Austin, Texas
4/11 - present	Unknown	

5. On May 7, 2012, Respondent was issued the sanction of a Warning with Stipulations through an Agreed Order by the Board. A copy of the May 7, 2012, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. Formal Charges were filed on June 9, 2014. 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 June 10, 2014.
8. On June 27, 2014, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated June 24, 2014, is attached and incorporated herein by reference as part of this Order.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 625720, and Vocational Nurse License Number 73574, heretofore issued to DONNA B SPIKES, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. 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 625720, and Vocational Nurse License Number 73574, heretofore issued to DONNA B SPIKES, 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 vocational or professional nursing, use the title of vocational or registered nurse or the abbreviation LVN or RN or wear any insignia identifying herself as a vocational or registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational or registered nurse during the period in which the licenses are surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
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 27th day of June, 2014.

TEXAS BOARD OF NURSING

By:



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

June 24, 2014

Texas Board of Nursing  
Katherine Thomas, Ex Director  
Deane Burell, Monitoring Supervisor

I wish to voluntarily surrender my nursing license. (Sec. 301.462. Voluntary Surrender of License. The Board may revoke a nurse's license without formal charges, notice, or opportunity of hearing if the nurse voluntarily surrenders the nurse's license to the Board and executes a sworn statement that the nurse does not desire to be licensed. )

If I had been able to work and had the funds, I would have retained an attorney to represent my interests in these matters and taken the courses required by the Agreed Order.

I have not practiced nursing since I resigned at the Austin State Supported Living Center (DADS) in the spring of 2011. When I chose not to renew my license in January 2014, I thought that would retire my license.

Thank you for your assistance.

Sincerely,  
Donna B Spikes

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Registered Nurse</b>	§	
<b>License Number 625720 &amp;</b>	§	
<b>Permanent Vocational Nurse</b>	§	
<b>License Number 73574</b>	§	<b>BOARD OF NURSING</b>
<b>Issued to DONNA B SPIKES,</b>	§	
<b>Respondent</b>	§	

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA B SPIKES, is a Registered Nurse holding License Number 625720, which is in delinquent status at the time of this pleading, and is a Vocational Nurse holding License Number 73574, 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 May 8, 2013, Respondent failed to comply with the Agreed Order issued to her on May 7, 2012, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number One (1) of the Agreed Order which states, in pertinent part:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the May 7, 2012, 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).

**CHARGE II.**

On or about May 8, 2013, Respondent failed to comply with the Agreed Order issued to her on May 7, 2012, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Delegating and Preventing Abuse and Neglect....,"...

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).

### CHARGE III.

On or about May 8, 2013, Respondent failed to comply with the Agreed Order issued to her on May 7, 2012, 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) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills,"...

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).

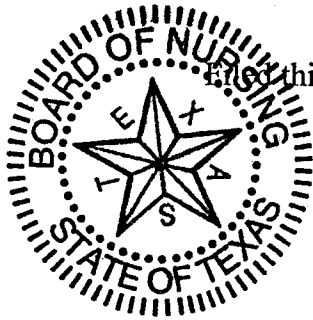
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

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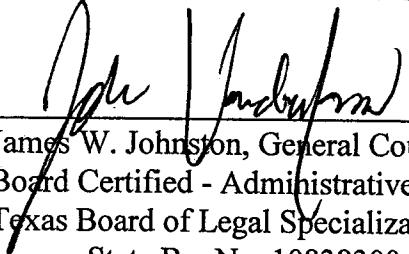


NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated May 7, 2012.



Filed this 9 day of June, 2014.

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

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

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

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State Bar No. 00785533

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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: Agreed Order dated May 7, 2012.

D/2013.11.19



Respondent's nursing employment history continued:

10/1978-5/1982	LVN	St. David's Hospital Austin, Texas
6/1982-1/1984	Unknown	
2/1984-12/1984	LVN	Brazos Valley Care Center Knox City, Texas
1/1985-11/1988	Unknown	
12/1988-12/1991	LVN	Stamford Memorial Hospital Stamford, Texas
1/1992-2/1994	LVN	Methodist Hospital Lubbock, Texas
3/1994-12/1995	Unknown	
1/1996-5/1997	RN	Bethania Regional Health Care Center Wichita Falls, Texas
5/1997-7/1997	RN	Home Health of Rural Texas Seymour, Texas
6/1997-12/1997	RN	Cornerstone Home Health Munday, Texas
1/1998-3/1998	Unknown	
4/1998-3/1999	RN	Rolling Plains State Operated Community Services Wichita Falls, Texas
4/1999-8/1999	Unknown	
9/1999-6/2000	RN	Red River Behavioral Healthcare Center Wichita Falls, Texas
6/2000-1/2002	RN	Nurse Finders Wichita Falls, Texas
2/2002-10/2002	RN	Olney Homilton Hospital Olney, Texas

Respondent's nursing employment history continued:

10/2002-6/2003	RN	Seymour Hospital Seymour, Texas
7/2003-7/2004	Unknown	
8/2004-3/2006	RN	United Regional health Care System Wichita Falls, Texas
4/2006-4/2008	Unknown	
5/2008-8/2009	RN	Private Care Seymour, Texas
9/2009-6/2010	Unknown	
7/2010-3/2011	RN	Austin State Supported Living Center Austin, Texas
4/2011-Present	Unknown	

6. At the time of the incident, Respondent was employed as a RN with Austin State Supported Living Center, Austin, Texas, and had been in this position for six (6) months.
7. On or about January 18, 2011, while employed with Austin State Supported Living Center, Austin, Texas, Respondent failed to appropriately intervene when she discovered Client Number 15995 eating a whole Empanada. Subsequently, the client, who required his foods be chopped due to his difficulty swallowing, without a pulse or breathing by the Direct Care Staff. Emergency medical was called and the client was transported to a hospital where he remained for several days. Respondent's conduct exposed the patient unnecessarily to risk of harm from choking which resulted in the client's need for a higher level of care.
8. In response to Finding of Fact Number Seven (7), Respondent states that as a RN II, her duties included covering the seven (7) homes in the Woodhollow Unit. Respondent states that there were about one hundred (100) residents in the seven (7) homes. On the day in question, Respondent states that she had arrived to assess Client Number 15995 for a small abrasion on his right leg. Respondent states that when she arrived the client was in the day room, alone and so she told him what she was going to do and then she assessed his leg. Respondent states that when she finished she went to the other room where the client charts were kept and while she was there she heard the house LVN speaking with the client. Respondent states she returned to the day room and that the client then had food in his hand that he was eating. Respondent states that the LVN told her that the client's food was

supposed to be chopped but for her to not try to take it away from him because she was afraid that if they tried to take the food away the client would become violent. Respondent states that the client was not having any difficulty chewing or swallowing and so she went to look for his I-Book, which contains diet orders etc., but it was not in the front room. Respondent states that less than 5 minutes later she heard a Direct Care Staff (DCS) calling for a nurse and so she responded and found the client on the floor with the DCS doing Heimlich on the client. Respondent states she assessed the client and found him to be pulse-less and without breaths and so she initiated Cardiopulmonary Resuscitation (CPR) but was unsuccessful in delivering breaths because the client's airway was closed. Respondent states that after several attempts to clear the airway, by herself and other nursing staff who had arrived to assist, they were able to deliver small breaths. Respondent states that EMS arrived and took the client to the emergency hospital.

#### 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M),(1)(P), (1)(U)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 625720 and Vocational Nurse License Number 73574, heretofore issued to DONNA B. SPIKES, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S

successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT 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. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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.

(5) RESPONDENT SHALL CAUSE each present employer in 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 nurse.



(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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 nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. 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 one (1) years of employment as a nurse.

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

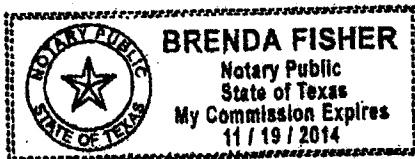
Signed this 21<sup>st</sup> day of March, 2012

Donna B. Spikes  
DONNA B. SPIKES, Respondent

Sworn to and subscribed before me this 21<sup>st</sup> day of March, 2012


SEAL

Brenda Fisher  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21<sup>st</sup> day of March, 2012, by DONNA B. SPIKES, Registered Nurse License Number 625720 and Vocational Nurse License Number 73574, and said Order is final.

Effective this 7<sup>th</sup> day of May, 2012.

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