

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 614248 §
issued to DARRAH ANN BUITRON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DARRAH ANN BUITRON, Registered Nurse License Number 614248, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 3, 2014.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on February 27, 1995.
5. Respondent's nursing employment history includes:

02/1995-05/1995	Unknown	
06/1995-01/1997	RN	Colombia South Austin Hospital Austin, Texas

Respondent's nursing employment history continued:

02/1997-03/1998	RN	SRI Staff Relief Inc. Austin, Texas
03/1998-09/02	RN	STAT Medical Services Unknown
09/02-11/10	RN	Legacy Emanuel Hospital Portland, Oregon
01/10-07/13	RN	Maxim Staffing Unknown
03/13-07/13	RN	The Mentor Network Austin, Texas
08/13-09/13	Unknown	
10/13-02/14	RN	Empowerment Options Austin, Texas
02/14-Present	RN	Mark 1 Residential Services Austin, Texas

6. On or about February 10, 1998, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Sanctions is attached and incorporated by reference as part of this order.
7. On or about March 13, 2001, Respondent was issued a Proposal for Decision and Agreed Order by the State Office of Administrative Hearings. A copy of the Proposal For Decision, Findings of Fact, Conclusions of Law, and Order of the Board is attached and incorporated by reference as part of this order.
8. On or about August 11, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order is attached and incorporated by reference as part of this order.
9. At the time of the initial incident, Respondent was employed as a Registered Nurse with Empowerment Options, Austin, Texas, and had been in that position for approximately four (4) months.
10. On or about February 4, 2014, while employed as a Registered Nurse with Empowerment Options, Inc., Austin, Texas, and assigned to the Westgate Group Home, Austin, Texas, Respondent misappropriated or failed to take precautions to prevent the misappropriation of

a blister packet of thirty (30) Norco belonging to Patient K.K., in that she removed a blister packet from the main office after delivery without permission to do so, and returned the medication in an unmarked bottle with seventeen (17) tablets missing. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. In response to Finding of Fact Number Seven (7), Respondent states she picked up the blister pack at the main office and signed them out so that she might deliver them to the Westgate House on her way home. Respondent states that it is not her responsibility to deliver medications, but she was not doing so "without permission" as she had signed them out. Respondent states she was merely trying to save the House Manager a 32 mile drive. Respondent states in the morning when she opened her bag she noticed that a can of soda had been punctured with a pen and the bubble pack had been soaking in the soda all night. Respondent states she punched out the pills that were salvageable and put them in a pill bottle but as she got to the last 14 tablets they started to crumble. Respondent states when she showed the bubble pack to her employer there were still large chunks of obvious Vicodin in the bubble pack, the pills were crumbled but the numbering was still readable. Respondent states this bubble pack accounted for all of the remaining pills and believes this matter was handled in this manner in retaliation for her unwillingness to falsify nursing notes and commit insurance fraud. Respondent states she takes full responsibility for not immediately labeling the bottle and for not providing a safer mode of transit for the medication.
12. On or about September 22, 2014, Respondent completed a Forensic Psychological Evaluation with a Polygraph component with Dr. Matthew L. Ferrara. Dr. Ferrara concludes that Respondent does not appear to have a substance abuse disorder and that the responses gathered during the polygraph examination did not indicate any significant physiological responses to the relevant questions, which resulted in a finding of no deception indicated. Dr. Ferrara states the results support Respondent's contention that she did not take the medications blister pack for her own use.

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 §217.12(1)(B),(6)(G),(8),(10)(E) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 614248, heretofore issued to DARRAH ANN BUITRON.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

~~While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order, unless otherwise specifically indicated:

- A. A course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, **for a minimum of sixty-four (64) hours per month** for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months **will not count towards completion of this requirement.** 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** 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.
- ~~D. **Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.~~

VI. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to

the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation period, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for at least the following substances and their metabolites:

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

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

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a

drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

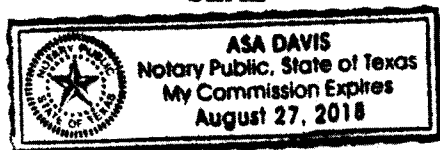
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23 day of Dec, 2014.

Darrah A Butron
DARRAH ANN BUTRON, Respondent

Sworn to and subscribed before me this 23 day of Dec, 2014.

SEAL



[Signature]
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 23rd day of December, 2014, by DARRAH ANN BUITRON, Registered Nurse License Number 614248, and said Order is final.

Effective this 10th day of February, 2015.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 614248 issued to § **AGREED ORDER**
DARRAH A. BUITRON §

On this day the Board of Nurse Examiners for the State of Texas, hereinaft referred to as the Board, considered the matter of DARRAH A. BUITRON, license numb 614248, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(1), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on January 30, 1998, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. On April 30, 1996, Respondent's license to practice professional nursing in Texas expired. Respondent continued working as a professional nurse at South Austin Medical Center, Austin, Texas, through December 24, 1996, without a valid license.
5. Respondent renewed her expired license on January 2, 1997.
6. Respondent desires to continue his career in professional nursing.



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Article 4525(b)(1), TEX. REV. CIV. STAT. ANN.
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against license number 614248, heretofore issued to DARRAH A. BUTTRON.

AGREED SANCTIONS

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of Remedial Education and Fine, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 et. seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 et. seq. and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to DARRAH A. BUTTRON, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content should include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL pay a monetary fine in the amount of \$250.00. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

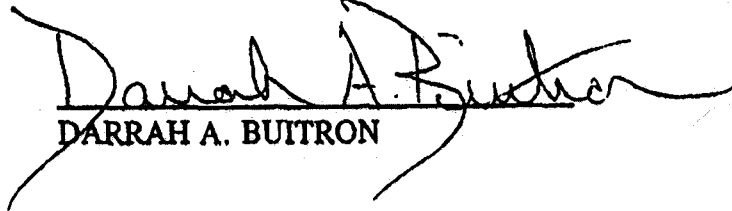
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

FEB 09 1998

RESPONDENT'S CERTIFICATION

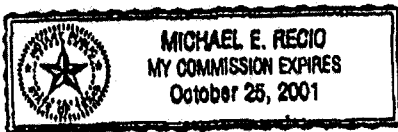
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree and consent to the Findings of Fact, Conclusions of Law, Agreed Sanctions, and any condition stated in this Order to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me.

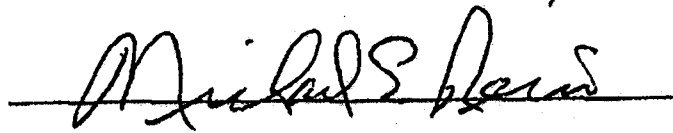
Signed this 9 day of Feb, 1998.


DARRAH A. BUTRON

Sworn to and subscribed before me this 9 day of FEBRUARY, 1998.

SEAL




Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 9th day of February, 19 98, by DARRAH A. BUTTRON, license number 614248, and said Order is final.

Effective this 10th day of February, 19 98.



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

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

February 14, 2001



accurate, and true copy of the document which
is on file or is of record in the offices of the
Texas Board of Nursing
William P. Clements
Executive Director of the Board

Katherine A. Thomas
Executive Director
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

HAND DELIVERY

RE: Docket No. 507-01-0762; In the Matter of Permanent Certificate No. Darrah A. Buitron

Dear Ms. Thomas:

Enclosed please find a Proposal for Decision and a proposed Order in the above-referenced cause for the consideration of the Board of Nurse Examiners. Copies of the Proposal and Proposed Order are being sent to James Johnston, General Counsel, Phong Phan, Assistant General Counsel and Darrah A. Buitron. For reasons discussed in the Proposal, I have recommended Respondent's nursing license be suspended and that renewal be denied until Respondent pays a fine previously imposed by Board Order and successfully completes a course in nursing jurisprudence.

Pursuant to the Administrative Procedure Act, each party has the right to file exceptions to the Proposal, accompanied by supporting briefs. Exceptions, replies to the exceptions, and supporting briefs must be filed with the Board according to the agency's rules, with a copy to the State Office of Administrative Hearings. A party filing exceptions, replies, and briefs must serve a copy on the other party hereto.

Sincerely,

James W. Norman
James W. Norman
Administrative Law Judge

JWN/dc
Enclosures

xc: James Johnston, General Counsel, and Phong Phan, Assistant General Counsel, General Counsel, Board of Nurse Examiners, 333 Guadalupe, Tower III, Suite 450, Austin, Texas 78701 - **HAND DELIVERY**
Darrah A. Buitron, 4808 Brushy Ridge, Austin, Texas 78744 - **REGULAR U.S. MAIL**
Rommel Corro, Docket Clerk, State Office of Administrative Hearings - **HAND DELIVERY**

William P. Clements Building
Post Office Box 13025 ♦ 300 West 15th Street, Suite 502 ♦ Austin Texas 78711-3025
(512) 475-4993 Docket (512) 475-3445 Fax (512) 475-4994

SOAH DOCKET NO. 507-01-0762

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 614248	§	OF
ISSUED TO	§	
DARRAH A. BUITRON	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Staff of the Texas State Board of Nurse Examiners (Board) seeks discipline against Darrah A. Buitron (Respondent) for violating certain provisions of the Nursing Practice Act (Act), TEX. OCC. CODE ANN. ch. 301,¹ and the Board's rules. Despite being sent proper notice, Respondent did not appear nor was she represented at the hearing. Based on Respondent's failure to appear, Staff's allegations were accepted as true, and established the violation. The Administrative Law Judge (ALJ) agreed with Staff's final recommendation that Respondent's nursing license be suspended and that renewal be denied until Respondent pays a fine previously imposed by Board Order and successfully completes a course in nursing jurisprudence.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

The hearing convened December 14, 2000, before ALJ James W. Norman in the Stephen F. Austin Building, 1700 N. Congress Ave., Suite 1100, Austin, Texas. General Counsel James W. Johnston and Assistant General Counsel Phong Phan represented Staff. The hearing was recessed to and concluded on December 27, 2000. Staff moved for a default based on Respondent's failure to appear.

There are no contested issues of jurisdiction or notice in this proceeding, and the Staff offered competent evidence establishing that appropriate notice of the charges and of the hearing were provided to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law.

II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TEX. ADMIN. CODE § 155.55, the ALJ recommends that Staff's motion for default be granted and that Respondent's license to practice professional nursing be suspended and that she be denied renewal until such time as she pays a \$250 fine previously imposed by Board Order and successfully completes a course in nursing jurisprudence.

¹ The Nursing Practice Act was formerly found at TEX. REV. CIV. STAT. ANN. art. 4525. It is now codified in the TEX. OCC. CODE ANN. ch. 301, effective September 1, 1999. The codification made no substantive changes to the Act, and all citations to the Act will be to the Occupations Code, even if the violation(s) occurred prior to the codification.

III. FINDINGS OF FACT

1. Darrah A. Buitron (Respondent), a nurse licensed by the State of Texas, holds permanent certificate number 614248.
2. The Board filed formal charges against Respondent on September 20, 2000.
3. On September 27, 2000, the Board mailed a copy of the charges to Respondent by certified mail, return receipt requested, at her address of record: 4808 Brushy Ridge, Austin, TX 78744. Respondent was given an opportunity to show compliance with all requirements of law.
4. On November 9, 2000, the Board mailed notice of the hearing to Respondent by certified mail, return receipt requested, at the address in Finding of Fact No. 3.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing contained the following language in capital letters in 12-point boldface type: "Failure to appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of staff shall be granted by default."
7. Respondent did not appear and was not represented at the hearing.
8. The formal charge, which was set forth in the notice of hearing, contained the following allegation:

CHARGE I.

Respondent, on March 27, 1998, failed to comply with the Board Order issued on December February 10, 1998, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to pay a monetary fine in the amount of \$250.

IV. CONCLUSIONS OF LAW

1. The Texas State Board of Nurse Examiners (Board) has jurisdiction over this matter pursuant to the Nursing Practice Act (the Act), TEX. OCC. CODE ANN. § 301.453 (Vernon 2000).

2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon 2000) and § 301.454 of the Act.
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. ch. 2001 (Vernon 2000) and 22 TEX. ADMIN. CODE (TAC) §§ 213.10 and 213.22 (2000).
4. The allegation stated in Finding of Fact No. 8 is deemed admitted. 1 TAC § 155.55.
5. A default should be entered against Respondent pursuant to 1 TAC § 155.55.
6. Respondent is subject to disciplinary action under § 301.452(b)(1) of the Act.
7. Pursuant to § 301.453 of the Act, Respondent's license to practice professional nursing in the State of Texas should be suspended and denied renewal until such time as she pays a \$250 fine and successfully completes a course in nursing jurisprudence.

SIGNED this 13th day of February 2001.



JAMES W. NORMAN

ADMINISTRATIVE LAW JUDGE

STATE OFFICE OF ADMINISTRATIVE HEARINGS

DOCKET NUMBER 507-01-0762

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 614248	§	OF
ISSUED TO	§	
DARRAH A. BUITRON	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Darrah A. Buitron
4808 Brushy Ridge
Austin, Texas 78744

During an open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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, subject to ratification by the Board of Nurse Examiners, that License Number 614248, previously issued DARRAH A. BUITRON to practice professional nursing in Texas, is hereby **SUSPENDED**.

IT IS FURTHER AGREED AND ORDERED that RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas

Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

RESPONDENT SHALL deliver the wallet-size license issued to DARRAH A. BUITRON, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

IT IS FURTHER AGREED and ORDERED that Respondent's license SHALL be Suspended until such time that the following terms and conditions are met in full:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). Payment SHALL be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER ORDERED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's
multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of March, 2001.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse
License Number 614248
issued to DARRAH ANN BUTTRON

§ AGREED
§
§ ORDER



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DARRAH ANN BUTTRON, Registered Nurse License Number 614248, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 12, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree from Austin Community College, Austin, Texas, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on February 27, 1995.
5. Respondent's professional nursing employment history is unknown.
6. On or about November 29, 2007, Respondent's license to practice professional nursing in the State of Washington was issued a Remedial Education and Fine by the Washington State Board of Nursing, Olympia, Washington. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 29, 2007, is attached.

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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 614248, heretofore issued to DARRAH ANN BUITRON, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION WITH A FINE, 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to DARRAH ANN BUITRON to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

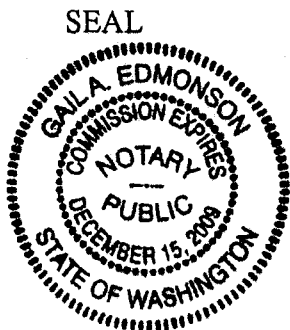
RESPONDENT'S CERTIFICATION

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 violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of August, 2008.
Darah Buitron
DARRAH ANN BUITRON, Respondent

Sworn to and subscribed before me this 1 day of August, 2008.

Gail A. Edmonson
Notary Public in and for the State of Washington



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 1st day of August, 2008, by DARRAH ANN BUITRON, Registered Nurse License Number 614248, and said Order is final.

Effective this 11th day of August, 2008.



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