



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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 107363 §
issued to DONNA B. SCHUBERT §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 107363, issued to DONNA B. SCHUBERT, 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 is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Nursing from Central Texas College, Austin, Texas, on December 16, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.
4. Respondent's nursing employment history includes:

01/85 - 03/95	Unknown	
04/95 - 10/95	Prior & Concurrent Utilization Review Nurse	Forte Review, Inc. Austin, Texas
11/95 - 03/96	Unknown	

Respondent's nursing employment history continued:

04/96 - 02/00	Prior & Concurrent Utilization Review Nurse	Forte Review, Inc. Austin, Texas
03/00 - 08/00	Unknown	
09/00 - 08/02	LVN, Charge Nurse	Towers Nursing Home Smithville, Texas
08/02 - 05/03	LVN	EDS-NHIC Austin, Texas
03/03 - 07/03	LVN	ACS, Inc Austin, Texas
05/03 - 03/04	Prior & Concurrent Utilization Review Nurse	Forte Review, Inc. Austin, Texas
09/03 - 03/04	LVN, Charge Nurse	Bastrop Nursing Center Bastrop, Texas
04/04 - 03/05	Unknown	
04/05 - 02/08	LVN, Charge Nurse	Towers Nursing Home Smithville, Texas
02/08 - 03/11	LVN	Gulfquest/Healthspring Houston, Texas
04/11 - 09/11	Unknown	
10/11 - 03/12	Prior & Concurrent Utilization Review Nurse	Forte Review, Inc. Austin, Texas
04/12 - 06/13	Unknown	
07/13 - 08/15	LVN	Advanced Home Health Services Bastrop, Texas
09/15 - Present	Unknown	

5. On or about August 11, 2015, while employed as a Licensed Vocational Nurse with Advanced Home Health Services, Bastrop, Texas, Respondent engaged in the intemperate use of Marijuana in that she submitted a specimen for a for cause drug screen that produced a positive result for Marijuana. Additionally, Respondent admitted to smoking marijuana for pain control. Unlawful possession of Marijuana is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Marijuana by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
6. Formal Charges were filed on May 27, 2016.
7. Formal Charges were mailed to Respondent on June 7, 2016.
8. On June 22, 2016, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated June 21, 2016, is attached and incorporated herein by reference as part of this Order.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 107363, heretofore issued to DONNA B. SCHUBERT, 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 Vocational Nurse License Number 107363, heretofore issued to DONNA B. SCHUBERT, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.


In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: at least 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 19th day of July, 2016.

TEXAS BOARD OF NURSING

By: 

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

RE: LVN 107363
To Whom it May Concern -

I hereby surrender my license,
to practice Vocational Nursing, in Texas.

Donna Schubert
June 21, 2016

RECEIVED 10/15/16