



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 § REINSTATEMENT
Vocational Nurse License Number 190772 §
issued to DONNA MARIE ST. CLAIR § AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of Vocational Nurse License Number 190772, held by DONNA MARIE ST. CLAIR, hereinafter referred to as Petitioner.

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of Vocational Nurse License Number 190772, held by DONNA MARIE ST. CLAIR, hereinafter referred to as Petitioner. Petitioner waived notice and hearing and agree to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 3, 2017.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Trinity Valley Community College, Palestine, Texas, on August 22, 2003. Petitioner was licensed to practice vocational nursing in the State of Texas on October 1, 2003.
4. Petitioner's nursing employment history includes:

08/2003	LVN Floor Nurse	Birchwood
		Cooper, Texas

Petitioner's nursing employment history continued:

06/2004	LVN Charge Nurse	Oak Manor Commerce, Texas
2005	LVN Charge Nurse	Cartmell Palestine, Texas
2006	LVN	Internal Medicine Palestine, Texas
2006	LVN	Elkart Oaks Elkhart, Texas
2007	LVN	Greenbrier Palestine, Texas
2009	LVN	Gardendale Jacksonville, Texas
2010	LVN	The Oaks Poteau, Oklahoma
2010	LVN	Heavener Nursing Home Heavener, Oklahoma
2011	Patient Care Coordinator	Greenbrier Palestine, Texas

5. On or about June 12, 2012, Petitioner's license to practice nursing was revoked through an Order of the Board. A copy of the Order dated June 12, 2012, is attached and incorporated, by reference, as part of this Order.
6. On or about August 9, 2017, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
 - 7.1. Letter of support dated August 7, 2017 from Framia Hunt, LVN, stating she has worked with Petitioner for several years and she would recommend and stand behind Petitioner to get her nursing license back. Ms. Hunts believes Petitioner has always been a very caring and compassionate person and is very deserving of her license reinstated.

- 7.2. Letter of support dated August 4, 2017 from Natasha Williams, LVN, stating she has worked with Petitioner for several years. Petitioner was a very good and knowledgeable nurse. Petitioner is caring and dedicated. Ms. Williams states she would recommend and stand behind Petitioner to get her nursing license back.
- 7.3. Letter of support dated July 31, 2017 from Jamie L. Wilson, Director of Social Services, LBSW, stating she has known Petitioner for a number of years and currently shops at the grocery store where Petitioner is employed. Ms. Wilson states Petitioner is efficient and extremely competent, dependable nurse Petitioner has excellent customer service skills.
- 7.4. Letter of support from Cindy Pugh, states she worked with Petitioner approximately six (6) years ago. Petitioner was very knowledgeable, caring and a dependable nurse. In Ms. Pugh's opinion, we need more nurses like Petitioner.
- 7.5. Letter of support dated August 7, 2017 from Misty M. Witt, friend of Petitioner, stating Petitioner is the most kind, compassionate person she knows, and deserves a second chance.
- 7.6. Letter of support from Jordan Herman, stating she has known Petitioner for three (3) years, stating Petitioner deserves a second chance because she is dedicated and determined.
- 7.7. Letter of support dated April 4, 2017 from Carolyn Holmes, stating Petitioner is an extremely dedicated nursing professional. Petitioner poses a profound expertise in the nursing area, handles a high volume of work, well organized and is fully capable of providing direct patient care.
- 7.8. Letter of support from Tracie Salas, LVN, stating she has been Petitioner's friend for the last ten (10) years. Ms. Salas states Petitioner has always aspired to being a nurse and helping people and she could not recommend a more compassionate or sincere person for this program.
- 7.9. Letter of support dated July 24, 2017 from Amanda Hobson, RN, stating she has known Petitioner for approximately six (6) years. Ms. Hobson recalls Petitioner being a hardworking, caring nurse and believes in second chances and that Petitioner is capable of being a good nurse again.
- 7.10. Letter, dated August 9, 2017, from the Anderson County Community Supervision and Corrections Department stating Petitioner completed the terms of probation on March 21, 2013.
- 7.11. Documentation of the required continuing education contact hours.

8. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of DONNA MARIE ST. CLAIR for reinstatement of license to practice nursing in the state of Texas be **GRANTED** and Vocational Nurse License Number 190772 is hereby **REINSTATED** in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and 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.

- A. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. PETITIONER 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 PETITIONER wishes to work.

III. REQUIREMENTS FOR VOCATIONAL NURSING REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN VOCATIONAL NURSING

Prior to practicing as a vocational nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Vocational Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in vocational nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits / LVN Six Month Limited Permit. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in vocational nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for vocational nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.
In order for the course to be approved:
 - (1) The target audience shall include vocational nurses;
 - (2) The course instructor must be a qualified registered nurse who meets or exceeds the Board's minimum criteria for eligibility as an

- instructor;
- (3) The course's content shall, at a minimum, include:
- (a) Review of NPA, Rules, Position Statements;
 - (b) Determination of Individual Scope of Practice and role in patient safety;
 - (c) Review of the clinical problem solving process for the provision of individualized, goal directed nursing care to include: (i) Collecting data & performing focused nursing assessments; (ii) Participating in the planning of nursing care needs for clients; (iii) Participating in the development & modification of the comprehensive nursing care plan for assigned clients; (iv) Implementing appropriate aspects of care within the LVN's scope of practice; and (v) Assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
 - (d) Pharmacology review;
 - (e) Medication administration;
 - (f) Documentation, quality assurance, and legal implication for nursing practice; and
 - (g) Documentation of current CPR certification prior to beginning precepted clinical learning experience; and
- (4) The course must contain no less than a total of 80 hours of clinical practice providing direct patient care precepted by a qualified registered or vocational nurse. Home study courses and video programs will not be approved.

C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for vocational nursing,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of precepted clinical practice.

D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Vocational Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / LVN - Reactivation form for a Licensed Vocational Nurse. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice vocational nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

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

- A. A Board-approved 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), Petitioner 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. Petitioner 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.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. Notifying Present and Future Employers:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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. Indirect Supervision:** PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

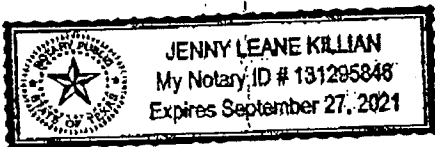
Signed this 10 day of November, 2017

Donna St. Clair
DONNA MARIE ST. CLAIR, Petitioner

Sworn to and subscribed before me this 10th day of November, 2017.

SEAL

Jenny Leane Killian
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 10th day of November, 2017, by DONNA MARIE ST. CLAIR, Vocational Nurse License Number 190772, and said Order is final.

Effective this 12th day of December, 2017.



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

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 190772
ISSUED TO
DONNA MARIE ST. CLAIR

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§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



Executive Director of the Board
Apparatus
R. M. M...
accurate, and true copy of the document which
is on file or is of record in the offices of the
Texas Board of Nursing.

ORDER OF THE BOARD

TO: Donna Marie St. Clair
P.O. Box 54
Wister, Oklahoma 74966

During open meeting held in Austin, Texas, on June 12, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached

hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]: All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 190772, previously issued to Donna Marie St. Clair, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 12th day of June, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 22, 2012.

Re: Permanent Certificate Number 190772
Issued to Donna Marie St. Clair
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of JUNE, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Donna Marie St. Clair
P.O. Box 54
Wister, Oklahoma 74966

BY:



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

In the Matter of Permanent License
Number 190772, Issued to
DONNA MARIE ST. CLAIR, Respondent

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DONNA MARIE ST. CLAIR, is a Vocational Nurse holding license number 190772, which is in current 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 20, 2009, while employed as a Licensed Vocational Nurse with Gardendale Rehab and Nursing Center, Jacksonville, Texas, Respondent financially exploited resident J.A., in that Respondent took approximately \$3,700.00 in debit card withdrawals over a three month period without the authorization from the resident. Additionally, Respondent accepted gifts and loans from patient J.A., who was under Respondent's care. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(J), and 22 TEX. ADMIN. CODE §217.12(6)(D)&(G).

CHARGE II.

On or about January 7, 2011, Respondent was charged with the misdemeanor criminal offense of PETIT LARCENY in the District Court of Leflore County, Poteau, Oklahoma, Sixteenth Judicial District of The State of Oklahoma in Case No. CM-2011-60, wherein Respondent was accused of the theft of patients' monies and other valuables while employed as a Practical Nurse, Oklahoma Practical Nurse License Number L0059163, by Heavener Nursing Home, Heavener, Oklahoma.

On or about March 15, 2011, Respondent plead guilty to PETIT LARCENY, a misdemeanor criminal offense committed on December 29, 2010, in the District Court of Leflore County, Poteau, Oklahoma, Sixteenth Judicial District of The State of Oklahoma under Case Number CM-2011-60.

On or about March 15, 2011, Respondent plead guilty to UTTERING FORGED INSTRUMENT and KNOWINGLY CONCEALING STOLEN PROPERTY, a felony criminal offenses committed on February 22nd, 2011, in the District Court of Leflore County, Poteau, Oklahoma, Sixteenth Judicial District of The State of Oklahoma under Case Number CF-2011-66. As a result of the plea, the findings of guilt were deferred and Respondent was sentenced to three (3) years probation for each count (concurrent), ordered to pay restitution, court costs and a fine. On or about March 29, 2011, Respondent's three (3) years of concurrent probation were transferred to the Texas Community Supervision and Corrections Department for supervision.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(13).

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.

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 for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

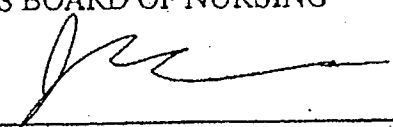
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

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CONTINUED ON NEXT PAGE.

Filed this 22 day of March, 2012

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
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TEXAS BOARD OF NURSING

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