



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 500488 §  
issued to DONNA GRAYSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DONNA GRAYSON, Registered Nurse License Number 500488, 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)&(13), 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 January 25, 2018.

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 a Baccalaureate Degree in Nursing from the University of Texas at San Antonio, San Antonio, Texas on May 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional nursing employment history includes:
 

|                   |    |   |
|-------------------|----|---|
| 05/1982 - 05/1983 | RN | Bexar County Hospital<br>San Antonio, Texas |
|-------------------|----|---|

Respondent's professional nursing employment history continued:

|                   |               |  |
|-------------------|---------------|--|
| 05/1983 - 08/1989 | DON           | ARA Living Centers<br>San Antonio, Texas           |
| 08/1989 - 01/1998 | Administrator | Town and Country Manor<br>Boerne, Texas            |
| 02/1998 - 02/1999 | Unknown       |  |
| 03/1999 - 04/2000 | DON           | Sunrise Health and Rehab Center<br>Austin, Texas   |
| 03/2000 - 05/2010 | Administrator | Leon Valley Care Center<br>San Antonio, Texas      |
| 01/2005 - 01/2006 | RN            | MedTrust<br>San Antonio, Texas                     |
| 01/2006 - 03/2016 | RN            | Christus Santa Rosa<br>San Antonio, Texas          |
| 08/2013 - 03/2016 | RN            | CSR Emergency Center<br>San Antonio, Texas         |
| 04/2016 - 05/2016 | Unknown       |  |
| 06/2016 - Unknown | RN            | Kingsland Health Care Center<br>Kingsland, Texas   |
| 05/2017 - Present | RN            | Granite Mesa Nursing Center<br>Marble Falls, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Christus Santa Rosa, San Antonio, Texas, and had been in that position for approximately ten (10) years and two (2) months.
7. On or about March 7, 2016, while employed with Christus Santa Rosa, San Antonio, Texas, Respondent was observed sleeping in patient rooms on two (2) separate occasions. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected he ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about March 7, 2016, while employed with Christus Santa Rosa, San Antonio, Texas, Respondent withdrew Morphine from the Pyxis for patients in excess frequency and/or dosage of the physician's order in that the order was for Morphine 2mg, which was available, but Respondent removed the Morphine 4mg dose. Respondent's conduct was likely to injure the patient in that the administration of Morphine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
9. In response to Finding of Fact Number Seven (7), Respondent admits to sleeping over the last ten (10) years and each occasion she was ill and told another nurse to get her if any patients came in. She states this was done only in an emergency. Regarding Finding of Fact Number (8), Respondent states she doesn't remember this incident, but states there would only be two reasons as far as why she would take more than what was ordered. Those reasons were if there wasn't a 2 mg available or if she thought the patient would need more than two and that it would be ordered by the doctor. She states she had done this before on a separate occasion.
10. On February 9, 2017, Respondent underwent a chemical dependency evaluation with Dr. Sean Connolly. His findings were that Respondent does not show any evidence, based on self-report and objective data, of having a substance abuse disorder at this time. She readily admits she is a recovering alcoholic. The completion of a treatment program does not seem warranted at this time. Dr. Connolly recommends that she avoid working at night, rotating shifts, on-call assignments, or in critical care units. Also, she should avoid administering controlled substances and other substances that require appropriate documentation. Dr. Connolly also recommends that she have random occasional drug screening. For a determination of continued competence in nursing, Dr. Connolly recommends the Respondent consider a neuropsychological evaluation to assess any residual effects from a traumatic brain injury the Respondent sustained in a motor vehicle accident.
11. Respondent underwent a neuropsychological evaluation with Dr. Sean Connolly. Dr. Connolly indicates that subsequent to a motor vehicle accident, Respondent sustained a concussion, with a reported subdural hematoma. Dr. Connolly states that the evaluation data indicate good recovery and the absence of any significant neurocognitive deficits. Based on self-report and the objective data of the assessment, some very mild neurocognitive deficits, primarily associated with the right hemisphere. Dr. Connolly states the Respondent has moderate difficulties with visual memory. Dr. Connolly recommends that the Respondent continue in her career, and that she focus on the least stressful environment, and avoid high-stress nursing assignments, such as the ER, ICU, or similar environment where there is a need for quick reaction time, flexibility in thinking and focus, rapid shift of focus, attentiveness to several details at one time, and higher level analytical skills. The assessment data indicates the Respondent would be quite functional in a position and environment that requires structure, routine, and repetition. Within these boundaries she does appear to have the neurocognitive resources to practice nursing with skill and safety for patients.

### 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 §217.11(1)(A),(1)(B),(1)(C)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 500488, heretofore issued to DONNA GRAYSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

## 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## IV. 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 the effective date of this Order, 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), 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](http://www.bon.texas.gov/compliance).*

#### V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT 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:** 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. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT 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 RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
  
- 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 individual who supervises the RESPONDENT 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. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol 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, nalbuphine, propofol 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 [1<sup>st</sup> 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 [2<sup>nd</sup> quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. 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 any or all of the following substances and/or their metabolites:

|                    |                        |               |
|--------------------|------------------------|---------------|
| Amphetamine        | Methamphetamine        | MDMA          |
| MDA                | Alprazolam             | Diazepam      |
| Alpha-o-alprazolam | Alpha-Hydroxytriazolam | Clonazepam    |
| Desmethyldiazepam  | Lorazepam              | Midazolam     |
| Oxazepam           | Temazepam              | Amobarbital   |
| Butobarbital       | Butalbital             | Pentobarbital |
| Phenobarbital      | Secobarbital           | Codeine       |
| Hydrocodone        | Hydromorphone          | Methadone     |
| Morphine           | Opiates                | Oxycodone     |
| Oxymorphone        | Propoxyphene           | Cannabinoids  |
| Cocaine            | Phencyclidine          | Ethanol       |
| Heroin             | Fentanyl               | Tramadol      |
| Meperidine         | Carisoprodol           | Butorphanol   |
| Nalbuphine         | Ketamine               | Propofol      |



Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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**RESPONDENT'S CERTIFICATION**

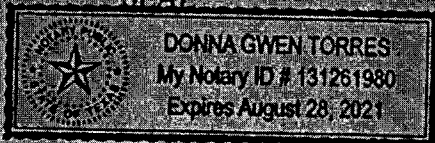
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 15 day of March, 2018.

Donna Grayson  
DONNA GRAYSON, Respondent

Sworn to and subscribed before me this 15 day of March, 2018.

SEAL



Donna Gwen Torres  
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 15th day of March, 2018, by DONNA GRAYSON, Registered Nurse License Number 500488, and said Order is final.

Effective this 19th day of April, 2018.



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