

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 ORDER
Registered Nurse License Number 916223 §
issued to DELILAH JEANNINE SOUTER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DELILAH JEANNINE SOUTER, Registered Nurse License Number 916223, 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)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 23, 2021.

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 Agreed 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 Gateway Technical College, Kenosha, Wisconsin, on May 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 1, 2017.
5. Respondent's nursing employment history includes:

5/2007 – 8/2013	Chief Operating Office	Graceful Aging Racine, Wisconsin
9/2013 – 11/2013	Unknown	

Respondent's nursing employment history continued:

12/2013 – 8/2015	Registered Nurse	Allay Home & Hospice Brookfield, Wisconsin
9/2015 – 10/2015	Unknown	
11/2015 – 7/2016	RN Case Manager	National Senior Care Unknown
6/2016 – Unknown	Assistant Director of Nursing/Education Coordinator	Grace Unlimited Dallas-Fort Worth Metroplex
11/2016 – 1/2018	RN Case Manager	Crescent Hospice Home Health Frisco, Texas
9/2018 – 9/2019	Director of Operations	Lake Point Assisted Living LLC Frisco, Texas
11/2019 – 7/2020	Registered Nurse	Affordable Home Health Dallas, Texas
3/2020 – 7/2020	Registered Nurse	Grace Unlimited Irving, Texas
8/2020 – Present	Unknown	

6. On or about January 19, 2017, Respondent was issued an Agreed Order through an Order of the Board. A copy of the January 19, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about January 19, 2017, Respondent was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the January 19, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about January 24, 2019, Respondent's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the January 24, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.

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9. At the time of the initial incident, Respondent was employed as a Registered Nurse with Affordable Home Health, Dallas, Texas, and had been in that position for nine (9) months. Respondent was employed as a Registered Nurse with Grace Unlimited, had been employed with Grace Unlimited, Irving, Texas, and had been in that position for three (3) months.

10. On or about July 5, 2019, Respondent submitted a falsified and fraudulent Notification of Employment for the Board, which she had completed herself, indicating she was employed as a Home Nurse at Lake Point Assisted Living, Frisco, Texas, instead of having the Notification of Employment form completed by the individual who supervised her as required by Section VI, "EMPLOYMENT REQUIREMENTS," Part B, of the January 24, 2019, Agreed Order which states, in pertinent part:

"... 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."

11. On or about July 7, 2019, Respondent submitted a falsified licensure verification to Lake Point Assisted Living, Frisco, Texas, which indicated her license had no current discipline. Respondent's conduct was deceptive and may have affected the facility's employment decision.

12. On or about November 20, 2019, Respondent submitted a falsified licensure verification to Affordable Home Health, Dallas, Texas, which indicated she had a compact license with no current discipline. Respondent's conduct was deceptive and may have affected the facility's employment decision.

13. On or about November 20, 2019, Respondent failed to comply with the Agreed Order issued on January 24, 2019, by the Texas Board of Nursing. Noncompliance is the result of failure to comply with Section VI, "EMPLOYMENT REQUIREMENTS," Part A, of the Agreed Order which states, in pertinent part:

"... RESPONDENT SHALL notify all future employers in nursing ... each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment."

Respondent became employed at Affordable Home Health, Dallas, Texas, on or about November 20, 2019, and did not provide the employer with a copy of the order prior to or after accepting employment. Respondent's conduct was deceptive and may have affected the facility's employment decision.

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14. On or about November 25, 2019 through July 5, 2020, Respondent failed to comply with the Agreed Order issued to her on January 24, 2019, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Section VI, "EMPLOYMENT REQUIREMENTS," Part B, of the Agreed Order which states, in pertinent part:

"... 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."

Respondent became employed at Affordable Home Health, Dallas, Texas, on or about November 20, 2019, and did not ensure the employer ever submitted a Notification of Employment form.

15. On or about October 1, 2019, January 3, 2020, April 5, 2020, and July 17, 2020, Respondent submitted falsified and fraudulent quarterly nursing performance evaluations, which she had completed herself, regarding her performance as a Home Nurse at Lake Point Assisted Living, Frisco, Texas. The evaluations must be completed by the individual who supervised her, as required by Section VI, "EMPLOYMENT REQUIREMENTS," Part E, of the January 24, 2019, Agreed Order which states, in pertinent part:

"... 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."

16. On or about November 20, 2019, through July 5, 2020, Respondent was employed as a Registered Nurse Case Manager with Affordable Home Health, Dallas, Texas, a home health agency, which violated Section VI, "EMPLOYMENT REQUIREMENTS," Parts C and D of the January 24, 2019, Agreed Order which states, in pertinent part:

"... RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. ..."

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17. On or about March 29, 2020, through July 4, 2020, Respondent was employed as a nurse with Grace Unlimited, Irving, Texas, a home health agency, which violated Section VI, "EMPLOYMENT REQUIREMENTS," Part D of the January 24, 2019, Agreed Order which states, in pertinent part:

"... RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. ..."

18. On or about March 29, 2020 through July 4, 2020, Respondent was employed as a registered nurse with Affordable Home Health, Dallas, Texas, and with Grace Unlimited, Irving, Texas, which violated Section VI, "EMPLOYMENT REQUIREMENTS," Parts C and D of the January 24, 2019, Agreed Order which states, in pertinent part:

"... Multiple employers are prohibited."

19. Respondent by her signature expresses her willingness to voluntarily surrender the licenses.

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(3),(6)(H)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 916223, heretofore issued to DELILAH JEANNINE SOUTER.
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.

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TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 916223 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.
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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13th day of August, 2021.

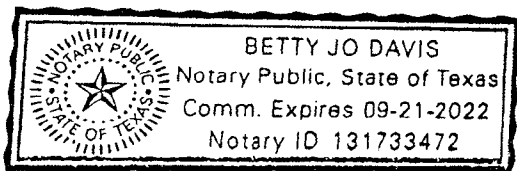
Delilah Souter
DELILAH JEANNINE SOUTER, RESPONDENT

Sworn to and subscribed before me this 13 day of August, 2021.

SEAL

Betty Jo Davis

Notary Public in and for the State of Texas



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 13th day of August, 2021, by DELILAH JEANNINE SOUTER, Registered Nurse License Number 916223, and said Agreed Order is final.

Effective this 30th day of August, 2021.



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



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
Registered Nurse License Number 916223
issued to DELILAH JEANNINE SOUTER

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DELILAH JEANNINE SOUTER, Registered Nurse License Number 916223, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 2, 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 Agreed 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 Gateway Technical College, Kenosha, Wisconsin, on May 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 1, 2017.
5. Respondent's nursing employment history includes:

6/2004 – 4/2007	Unknown	Unknown
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Respondent's nursing employment history continued:

5/2007 – 8/2013	Chief Operating Officer	Graceful Aging Racine, Wisconsin
9/2013 – 11/2013	Unknown	
12/2013 – 8/2015	Registered Nurse	Allay Home & Hospice Brookfield, Wisconsin
9/2015 – 10/2015	Unknown	
11/2015 – 7/2016	RN Case Manager	National Senior Care Unknown
6/2016 – Unknown	Assistant Director of Nursing/Education Coordinator	Grace Unlimited Dallas-Fort Worth Metroplex
11/2016 – 1/2018 1/2018 – Unknown	RN Case Manager Director of Nursing	Crescent Hospice Home Health Frisco, Texas

6. On or about January 19, 2017, Respondent was issued the sanction of a WARNING WITH STIPULATIONS through an Agreed Order for Discipline and Eligibility by the Board. The terms of this Order have not yet been completed. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order dated January 19, 2017, is attached and incorporated herein by reference as part of this Order.
7. At the time of the initial incident, Respondent was employed with Crescent Hospice Home Health, Frisco, Texas, as a Registered Nurse-Case Manager for two (2) years and two (2) months, and Respondent had been in Director of Nursing position for one (1) month.

8. On or about February 27, 2018, through March 2, 2018, while employed as a Registered Nurse, Director of Nursing, at Crescent Home Health & Hospice, Frisco, Texas, Respondent inappropriately administered Morphine and Lorazepam in excess to Patient GJC for the treatment of foot pain causing the patient to be in a coma-like state. In addition, Respondent told the family that the patient's kidneys were shutting down and death was imminent. Respondent's conduct exposed the patient to risk for harm from excessive sedation and/or respiratory depression.
9. On or about March 2, 2018, while employed as a Registered Nurse, Director of Nursing, at Crescent Home Health & Hospice, Frisco, Texas, Respondent failed to appropriately respond when the family of Patient GJC wanted her transferred to the hospital due to her unexpected, rapid deterioration and coma-like state. Instead, Respondent stated the family was in denial of patient's dying process and the patient would not survive the trip to the hospital. Subsequently, the family called an ambulance to take her to hospital where she was admitted for severe dehydration and over-sedation. The patient has since recovered and is living at home. Respondent's conduct resulted in emotional distress to the patient's family and delayed the patient's emergent, medical interventions.
10. On or about January 24, 2017, while employed as a Registered Nurse at Crescent Hospice and Home Health & Hospice, Frisco, Texas, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on January 19, 2017. Non-compliance is the result of her failure to comply with Stipulation (V)(A) of the Order dated January 19, 2017, which states in part:

"A. Notify Present and Future Employers: Petitioner SHALL notify each present employer in nursing, as applicable, and present each with a complete copy of this Order..."

Respondent failed to notify Crescent Home Health & Hospice, Frisco, Texas, of her current Order.
11. On or about January 24, 2017, while employed as a Registered Nurse at Crescent Hospice and Home Health & Hospice, Frisco, Texas, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on January 19, 2017. Non-compliance is the result of her failure to comply with Stipulation (V)(B) of the Order dated January 19, 2017, which states in part:

"B. Notification of Employment Forms: Petitioner SHALL CAUSE each employer in nursing to submit the Board's 'Notification of Employment Form' to the Board's office within ten (10) days...."

Respondent failed to cause Crescent Home Health & Hospice, Frisco, Texas to submit the required Notification of Employment Form.
12. On or about January 24, 2017, while employed as a Registered Nurse at Crescent Hospice and Home Health & Hospice, Frisco, Texas, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on January 19, 2017. Non-compliance is the result of her failure to comply with Stipulation (V)(C) of the Order dated January 19, 2017, which states in part:

"C. Indirect Supervision: Petitioner SHALL be supervised by a Registered

Nurse...”

Respondent did not work under indirect supervision while employed as the Director of Nursing with Crescent Hospice and Home Health & Hospice, Frisco, Texas.

13. In response to Finding of Fact Number Nine (9), Respondent states the Morphine and Lorazepam were given for left shoulder pain, generalized body aches, neuropathy and restlessness that was unrelieved with other interventions. In addition, she explained that the symptoms of chronic kidney disease and dehydration were exacerbating due to multiple days of poor oral intake. In response to Finding of Fact Number Ten (10), Respondent states she met with the patient’s family after assessing the patient and they wanted her sent to the hospital for a second opinion. Respondent states she did nothing to hinder the transfer and she answered the operator’s questions about the patient’s condition after the granddaughter called 911. In response to Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent admits she did not notify her employer of Agreed Order and she did not cause her employer to submit the Notification of Employment Form. In Response to Finding of Fact Number Thirteen (13), Respondent states that she worked as a Case Manager under the indirect supervision of the Director of Nursing.

14. Formal Charges were filed on September 4, 2018.

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),(1)(M),(1)(P)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
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 916223, heretofore issued to DELILAH JEANNINE SOUTER.
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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 916223, previously issued to DELILAH JEANNINE SOUTER, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order **SHALL** supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. 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.

V. 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 and video programs will not be approved.

- B. **A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the

course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **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.
- D. **The course "Professional Accountability,"** a 5.4 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.*

VI. 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. **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 of 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.
- E. **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.

VII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed 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 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

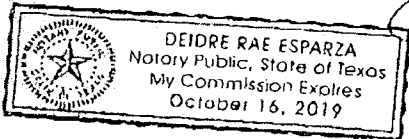
Signed this 28 day of November 2018.

[Signature]
DELLAH JEANNINE SOUTER, Respondent

Sworn to and subscribed before me this 28th day of November, 2018.

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 28th day of November, 2018, by DELILAH JEANNINE SOUTER, Registered Nurse License Number 916223, and said Agreed Order is final.

Effective this 24th day of January, 2019.



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



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 ORDER
DELILAH JEANNINE SOUTER,	§	FOR
Privilege to Practice from Wisconsin	§	DISCIPLINE & ELIGIBILITY
Registered Nurse License Number 147939 and	§	
PETITIONER for Eligibility for Licensure	§	

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Privilege to Practice from Wisconsin Registered Nurse License Number 147939 and the Endorsement Application, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by DELILAH JEANNINE SOUTER, hereinafter referred to, as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13), 301.453 and 304.001, Article 5, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 20, 2016.

FINDINGS OF FACT

1. On or about August 17, 2015, PETITIONER submitted the Petition requesting a determination of eligibility for licensure.

2. Respondent received an Associate Degree in Nursing from Gateway Technical College, Kenosha, Wisconsin, on May 17, 2004. Petitioner was licensed to practice professional nursing in the State of Wisconsin on June 17, 2004.
3. Petitioner completed the Petition and answered "yes" to the question which reads as follows:

"For any criminal offense, including those pending appeal, have you:

 - A. been arrested and have a pending criminal charge?*
 - B. been convicted of a misdemeanor?*
 - C. been convicted of a felony?*
 - D. pled nolo contendere, no contest, or guilty?'*
 - E. received deferred adjudication?*
 - F. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - G. been sentenced to serve jail time, prison time, or court-ordered confinement?*
 - H. been granted pre-trial diversion?*
 - I. been cited or charged with any violation of the law?*
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*

(You may only exclude Class C misdemeanor traffic violations or offenses previously disclosed to the Texas Board of Nursing on an initial licensure or renewal application.)"
4. Petitioner disclosed the following criminal history, to wit:
 - A. On May 30, 1996, Petitioner was convicted of OPERATING A VEHICLE WITHOUT OWNER'S CONSENT, a felony offense committed on August 29, 1995, in Milwaukee County, Wisconsin, under Case Number 1995CF955376. Petitioner was sentenced to one (1) year imprisonment. The imprisonment was stayed, and Petitioner was placed on probation for a period of five (5) years, and ordered to pay restitution in the amount of two thousand (\$2000.00) dollars. On or about April 24, 2002, Petitioner was discharged from probation.
5. There is no evidence of any subsequent criminal conduct.
6. On or about September 8, 2015, through September 21, 2015, while utilizing a Privilege to Practice (PTP) nursing from the State of Wisconsin and employed as a Registered Nurse with StoneGate Care Team, Irving, Texas, Respondent falsely documented in the medical records of three (3) patients that she provided nursing care that she did not perform. Respondent's conduct created inaccurate medical records and was likely to injure the patients in that subsequent care givers would rely on her documentation to further administer care to the patients.

7. On or about March 24, 2016, through April 19, 2016, while employed as a Registered Nurse with Paloma Home Health Agency, Carrollton, Texas, Respondent practiced as a Registered Nurse in violation of the Nurse Licensure Compact. Respondent had previously established residency in the State of Texas but continued to use her Privilege to Practice from the State of Wisconsin after her temporary Texas license expired. Respondent's conduct was likely to deceive the Board regarding her primary state of residence and was likely to deceive her employer regarding Respondent's compliance with nurse licensure compact requirements and provisions, in that they relied on the Multistate Licensure Compact Privilege associated with Respondent's Wisconsin license to continue her employment as a Registered Nurse.
8. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent does not admit any wrongdoing and believes she has provided information that refutes the Board's finding.
9. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
10. 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.
11. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
14. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.

2. On or about August 17, 2015, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A), (1)(B) & (1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4), (6)(A) & (6)(H).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), 301.453 and 304.001, Article 5, Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
7. 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.
8. 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. ELIGIBILITY FOR LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board, that PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** and the Petition is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice

nursing in the State of Texas, all in accordance with the terms of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER 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.

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and 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. 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 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. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. 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.*

IV. MONETARY FINE

PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) 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, 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 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:** Petitioner SHALL notify each present employer in nursing, as applicable, 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, as applicable, 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 nurse who supervises the Petitioner 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. 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.

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PETITIONER'S CERTIFICATION

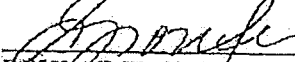
I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Tex. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

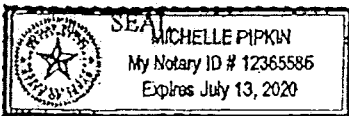
I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

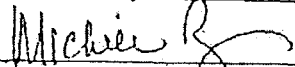
Signed this 12 day of December, 2016.



BELLAH JEANNINE SOUTER, PETITIONER

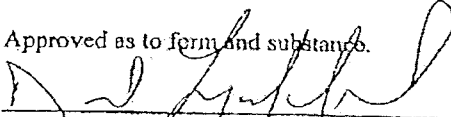
Sworn to and subscribed before me this 12 day of December, 2016.





Notary Public in and for the State of Texas

Approved as to form and substance.



David Langenfeld, Attorney for Petitioner

Signed this 12th day of Dec., 2016

WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby accept and enter the Agreed Order for Discipline and Eligibility that was signed on the 12th day of December, 2016, by DELILAH JEANNINE SOUTER, Privilege to Practice from Wisconsin Registered Nurse License Number 147939 and PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 19th day of January, 2017.



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

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

DELILAH J. SOUTER, R.N.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

0005371

Division of Legal Services and Compliance Case No. 17 NUR 019

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Delilah J. Souter, R.N.
P.O. Box 81613
Racine, Texas 53408-1613

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Delilah J. Souter, R.N., (dob October 1, 1976) is licensed in the State of Wisconsin as a professional nurse, having license number 147939-30, first issued on June 17, 2004 and current through February 28, 2018. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is P.O. Box 81613, Racine, Texas 53408-1613.

2. Upon information and belief, Respondent's current address is 11181 Snyder Drive, Frisco, Texas 75035-8892.

3. At all times relevant to this proceeding, Respondent was employed as a professional nurse at a home health agency (Agency), located in Carrollton, Texas, pursuant to the Nurse Licensure Compact.

4. On January 19, 2017, Respondent and the Texas Board of Nursing entered into an Agreed Order for Discipline and Eligibility (Texas Order) based on the following facts:

- a. Between September 8, 2015 and September 21, 2015, Respondent falsely documented that she provided nursing care to three patients.
- b. Respondent resigned her employment without providing notice and failed to complete paperwork.
- c. On November 24, 2015, the Texas Board of Nursing granted Respondent a temporary nursing license. This license expired on March 23, 2016, and Respondent continued to practice nursing in Texas until April 19, 2016, without a valid license.

5. The Texas Order required Respondent to pay a fine and complete remedial education in ethics, documentation and sharpening critical thinking within one (1) year from the date of the Order.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Delilah J. Souter, R.N., violated Wis. Admin. Code § N 7.03(1)(b), by having a license to practice nursing or a nurse licensure compact privilege to practice denied, revoked, suspended, limited, or having the credential holder otherwise disciplined in another state.

3. As a result of the above conduct, Delilah J. Souter, R.N., is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

ORDER

1. The attached Stipulation is accepted.

2. Respondent Delilah J. Souter, R.N., is REPRIMANDED.

3. The professional nursing license issued to Delilah J. Souter, R.N., (license number 147939-30) and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, are LIMITED as follows:

- a. Respondent shall comply with all conditions and limitations placed on her Texas nursing license.
 - b. Respondent shall submit proof of the completed education to the Department Monitor at the address below within ten (10) days of submitting proof to the Texas Board of Nursing.
 - c. Respondent shall submit proof of payment of the Texas Board of Nursing fine to the Department Monitor within ten (10) days of payment to the Texas Board of Nursing.
 - d. This limitation shall be removed from Respondent's license after satisfying the Board or its designee that Respondent has successfully complied with all conditions and limitations of the Texas Order and that her Texas nursing license is no longer conditional or limited in any way.
4. Within 120 days from the date of this Order, Delilah J. Souter, R.N., shall pay COSTS of this matter in the amount of \$325.00.
5. Proof of successful completion of education and payment of the fine, and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

6. In the event Respondent violates any term of this Order, Respondent's license (147939-30), or Respondent's right to renew her license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by: Rayl Krause
A Member of the Board

7-13-17
Date

STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :

DELILAH J. SOUTER, R.N., :
RESPONDENT. :

STIPULATION

0005371

Division of Legal Services and Compliance Case No. 17 NUR 019

Respondent Delilah J. Souter, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

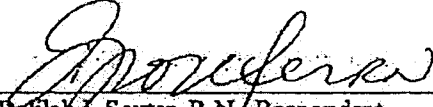
1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.
2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:
 - the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
 - the right to confront and cross-examine the witnesses against Respondent;
 - the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
 - the right to testify on Respondent's own behalf;
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
 - the right to petition for rehearing; and
 - all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.
3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.
4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

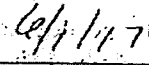
of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

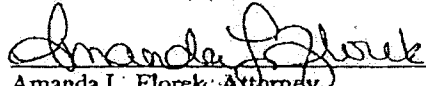
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.


Deilah J. Souther, R.N., Respondent
11181 Snyder Drive
Frisco, Texas 75035-8892
License no. 147939-30


Date


Amanda L. Florek, Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison WI 53707-7190


Date