



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.
Stephanie Chapman
Executive Director of the Board

**In the Matter of
Permanent Vocational Nurse
License Number 318999
Issued to DIANNA PAIGE EVERMAN,
Respondent**

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

ORDER OF THE BOARD

TO: Dianna Everman
4 Sereno Place
Hot Springs Village, AR 71909

During open meeting held in Austin, Texas, on February 14, 2023, the Texas Board of Nursing 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 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(s) to practice 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 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 Vocational Nurse License Number 318999, previously issued to DIANNA PAIGE EVERMAN to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 14th day of February, 2023.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charges filed November 28, 2022

d17r(2023.01.13)

Re: Permanent Vocational Nurse License Number 318999
Issued to DIANNA PAIGE EVERMAN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of February, 2023 a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,
Copy Via USPS First Class Mail

Dianna Everman
4 Sereno Place
Hot Springs Village, AR 71909

BY: 

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

**In the Matter of
Permanent Vocational Nurse
License Number 318999
Issued to DIANNA PAIGE EVERMAN,
Respondent**

§
§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DIANNA PAIGE EVERMAN, is a Vocational Nurse holding license number 318999, which is in delinquent 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 October 2, 2019, while utilizing a Privilege to Practice (PTP) nursing from the State of Texas and employed as a Licensed Vocational Nurse with The Pines Health and Rehab, Hot Springs, Arkansas, Respondent engaged in the intemperate and/or unlawful use of Alprazolam, Lorazepam, Noroxycodone, Oxycodone, and Oxymorphone in that she produced a specimen for a reasonable suspicion drug screen that resulted positive for Alprazolam, Lorazepam, Noroxycodone, Oxycodone, and Oxymorphone. Unlawful possession of Alprazolam, Lorazepam, Noroxycodone, Oxycodone, and Oxymorphone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Alprazolam, Lorazepam, Noroxycodone, Oxycodone, and Oxymorphone by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).

CHARGE II.

On or about October 22, 2020, Respondent's Privilege to Practice Nursing in the State of Arkansas was issued a Cease and Desist Order by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Cease and Desist Order by the Arkansas State Board of Nursing, dated October 22, 2020, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE III.

On or about January 12, 2021, while utilizing a Privilege to Practice (PTP) nursing from the State of Texas and employed as a Licensed Vocational Nurse with Midtown Center for Health and Rehab. Memphis, Tennessee, Respondent engaged in the intemperate and/or unlawful use of Amphetamine, Methamphetamines, and Benzodiazepines. in that she produced a specimen for a for cause drug screen that resulted positive for Amphetamine, Methamphetamines, and Benzodiazepines. The use of Amphetamine, Methamphetamines, and Benzodiazepines by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).

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) and/or privilege(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.

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, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

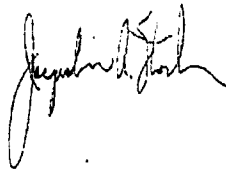
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated August 9, 2016, and Cease and Desist Order from the Arkansas State Board of Nursing dated October 22, 2020

Filed this 28th day of November, 2022

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Leigh A. Gonnet, Assistant General Counsel
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John Vanderford, Assistant General Counsel
State Bar No. 24086670

1801 Congress Avenue, Suite 10-200
Austin, Texas 78701
P: (512) 305-8657
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Attachment(s): Order(s) of the Board dated August 9, 2016, and Cease and Desist Order from the Arkansas State Board of Nursing dated October 22, 2020

D(2022.10.07)



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
Vocational Nurse License Number 318999 §
issued to DIANNA PAIGE EVERMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DIANNA PAIGE EVERMAN, Vocational Nurse License Number 318999, 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)(8), 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 March 24, 2016.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Austin Community College, Austin, Texas, on December 12, 2013. Respondent was licensed to practice vocational nursing in the State of Texas on February 25, 2014.
5. Respondent's nursing employment history is unknown.
6. On or about March 22, 2016, Respondent was ordered to Cease and Desist from the practice of nursing in Arkansas by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Arkansas State Board of Nursing's Cease and Desist Order dated March 22, 2016, is attached and incorporated, by reference, as part of this Order.

7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent admits. Respondent explains she was in pain that morning and found an old patch of her father's which she put on but felt no effects from it and forgot that she was wearing it.
8. On or about October 19, 2015, at the direction of the Arkansas State Board of Nursing, Respondent presented for an evaluation by Roger D. Morgan, Ph.D. Respondent admitted to taking the fentanyl patches because she was hurting in her back and legs, and she realizes it was a mistake to take a medication that was not prescribed to her. Dr. Morgan states that has not been presented with enough evidence to indicate that there is a chemical dependency other than the issues concerning the situation at Crestpark.

Dr. Morgan recommends that Respondent see a psychologist monthly for a period of four to six months to further address some of her situational depression and situational anxiety issues, as well as any questionable dependency issues the Board may be concerned about.

9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 318999, heretofore issued to DIANNA PAIGE EVERMAN.
4. 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 **WARNING 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of 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.*

IV. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **Indirect Supervision:** 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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation/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. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

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

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

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

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

VI. THERAPY

While working as a nurse under the terms of this Order, RESPONDENT SHALL participate in therapy with a professional counselor approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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AH.
Paul
Longoria

512-305-6870

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 19 day of July, 2016.

Dianna Paige Everman
DIANNA PAIGE EVERMAN, Respondent

Sworn to and subscribed before me this 19 day of July, 2016.

SEAL

Jeanie Eagle
Notary Public in and for the State of Arkansas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of July, 2016, by DIANNA PAIGE EVERMAN, Vocational Nurse License Number 318999, and said Order is final.

Effective this 9th day of August, 2016.



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



ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800 • Little Rock, Arkansas 72204
Phone: (501) 686-2700 • Web: www.arsbn.org

Sue A. Tedford, MNSc, RN
Executive Director

W. Fred Knight
General Counsel

CEASE AND DESIST ORDER

March 22, 2016

Dianna Paige Everman
416 North Main Street
Clarendon, Arkansas 72029

RE: Texas LVN License No. 318999
Multistate License Privilege to Practice

Dear Ms. Everman :

Dianna Paige Everman (hereinafter referred to as Respondent) holds a LVN license in the State of Texas, a member of the Interstate Nurse Licensure Compact. Respondent worked in Arkansas on a multistate licensure privilege of the Interstate Nurse Licensure Compact. The Arkansas State Board of Nursing has authority to take action on Respondent's privilege to practice in the State of Arkansas.

A.C.A. §17-87-601 Article III

(b) Party states [any state that has adopted the Compact] may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their states and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens.

(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing Board and the courts, as well as the laws, in that party state.

A.C.A. §17-87-601 Article VI

Notwithstanding any other powers, party state nurse licensing Boards shall have the authority to:
(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

A.C.A. §17-87-602.

The Arkansas State Board of Nursing may limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Compact or take action on previous practice privilege action from another party state.

Dianna Paige Everman
Texas LVN License No. 318999
Privilege to Practice
Cease and Desist Order
Page 2 of 3

A.C.A. §17-87-309 (Amended 1999) and Arkansas State Board of Nursing Rules Chapter 7, Section IV state:

- (a) The board shall have sole authority to deny, suspend, revoke or limit any license to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
- (6) **Is guilty of unprofessional conduct;**
- Practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological or mental impairment,
 - Any other conduct that, in the opinion of the Board, is likely to deceive, defraud, injure or harm a patient or the public by an act, practice, or omission that fails to conform to the accepted standards of the nursing profession.

The Arkansas State Board of Nursing received a complaint regarding Respondent's practice at Crestpark of Stuttgart in Stuttgart, Arkansas. This Order to Cease and Desist the practice of nursing in the State of Arkansas is being issued to Dianna Paige Everman for violations of the *Arkansas Nurse Practice Act* based on the following Findings of Fact:

1. On or about June 17, 2015, Respondent's employment was indefinitely suspended from Crestpark of Stuttgart after being observed taking off two Fentanyl patches that were taped to the abdomen of the respondent. Respondent did not have a prescription for this controlled substance and reportedly told Administrators the patches belong to a friend.

The evidence received is sufficient cause pursuant to Ark. Code Ann. §17-87-309 and §17-87-601 - 602 to probate, suspend or revoke Respondent's multistate licensure privilege in the State of Arkansas or to issue an order to cease and desist the practice of nursing in Arkansas.

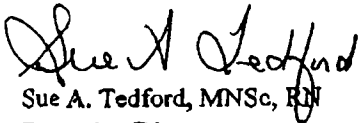
For the reasons stated above, the Arkansas State Board of Nursing orders Respondent to **CEASE AND DESIST** from the practice of nursing in Arkansas. Respondent must immediately **CEASE AND DESIST** from the practice of nursing in Arkansas based on compact privileges granted through the home state, Texas.

Be advised that the Board may continue to pursue formal action on your multistate privilege to practice nursing in the State of Arkansas. The results of any final disciplinary action are public information, and information will be forwarded to the National Council of State Boards of Nursing, Inc., and to the National Practitioner Data Bank.

Dianna Paige Everman
Texas LVN License No. 318999
Privilege to Practice
Cease and Desist Order
Page 3 of 3

You may request a hearing before the Arkansas State Board of Nursing within thirty (30) days upon service of this Order.

Sincerely,



Sue A. Tedford, MNSc, RN
Executive Director
Arkansas State Board of Nursing

SAT/jep



Arkansas Department of Health

Arkansas State Board of Nursing
1123 S. University Ave., #600 • Little Rock, Arkansas 72204 • (501) 686-2700 • Fax (501) 686-2714
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health
Sue A. Tedford, MNsc, APRN, Director

CEASE AND DESIST ORDER

October 22, 2020

Dianna Paige Everman
416 N. Main
Clarendon, AR 72029

RE Texas VN Multistate License No. 318999
Multistate License Privilege to Practice

Dear Ms. Everman:

Dianna Paige Everman (hereinafter referred to as Respondent) holds an LVN license in the State of Texas, a member of the Interstate Nurse Licensure Compact. Respondent worked in Arkansas on a multistate licensure privilege of the Interstate Nurse Licensure Compact. The Arkansas State Board of Nursing has authority to take action on Respondent's privilege to practice in the State of Arkansas.

A.C.A. §17-87-601 Article III

- (d) All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege such as revocation, suspension, probation or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.
- (e) A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts and the laws of the party state in which the client is located at the time service is provided.

A.C.A. §17-87-601 Article V

- (a) In addition to the other powers conferred by state law, a licensing board shall have the authority to:
 - (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within the party state.

A.C.A. §17-87-602

The Arkansas State Board of Nursing may limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Compact or take action on previous practice privilege action from another party state.

A.C.A. §17-87-309

- (a) The Arkansas State Board of Nursing shall have sole authority to deny, suspend, revoke, or limit any license or privilege to practice nursing or certificate of prescriptive authority issued by the Board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
- (6) is guilty of unprofessional conduct:

Arkansas State Board of Nursing Rules Chapter 7, Section IV states:

A. Definitions

6. The term "unprofessional conduct" includes, but is not limited to, the conduct listed below:
- (c) Failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of narcotics, drugs, or nursing care.

The Arkansas State Board of Nursing (ASBN) received a complaint regarding Respondent's practice at Pines Health and Rehabilitation, Hot Springs, Arkansas. This Order to Cease and Desist the practice of nursing in the State of Arkansas is being issued to Dianna Paige Everman for violations of the *Arkansas Nurse Practice Act* and *Arkansas State Board of Nursing Rules, Chapter 7, Section IV* based on the following Findings of Fact:

1. Respondent is the holder of Texas LVN Multistate license number 318999 issued by exam on February 25, 2014.
2. Respondent was employed at Pines Health and Rehabilitation, Hot Springs, Arkansas, beginning on, or about, September 5, 2019 until she was involuntarily terminated on, or about October 3, 2019.
 - On, or about, October 2, 2019, during a shift change narcotic count, it was noted that two (2) syringes of morphine (20 mg) was missing.
 - On, or about, October 2, 2019, Respondent submitted to a drug screen. The drug screen was initially positive for morphine, benzodiazepines, and oxycodone. Confirmation testing revealed positive results for alprazolam, lorazepam, noroxycodone, oxycodone, and oxymorphone. Respondent did provide a prescription for alprazolam. Respondent also provided a bottle with another individual's name on it.
 - On, or about, October 3, 2019, Respondent was involuntarily terminated
 - A review of ten (10) medical records revealed the following unaccounted for medications:
 - o Zolpidem 10 mg
 - o Lorazepam 1.5 mg
 - o Hydrocodone 20 mg

The evidence received is sufficient cause pursuant to Ark. Code Ann. §17-87-309 and §17-87-601 - 602 to probate, suspend or revoke Respondent's multistate licensure privilege in the State of Arkansas or to issue an order to cease and desist the practice of nursing in Arkansas.


Arkansas State Board of Nursing
1000 North Main Street
Little Rock, AR 72202

For the reasons stated above, the Arkansas State Board of Nursing orders Respondent to **CEASE AND DESIST** from the practice of nursing in Arkansas. Respondent must **immediately CEASE AND DESIST** from the practice of nursing in Arkansas based on compact privileges granted through the home state, Missouri.

Be advised that the Board may continue to pursue formal action on your multistate privilege to practice nursing in the State of Arkansas. The results of any final disciplinary action are public information, and information will be forwarded to the National Council of State Boards of Nursing, Inc., and to the National Practitioner Data Bank.

You may request a hearing before the Arkansas State Board of Nursing **within thirty (30) days** upon service of this Order.

Sincerely,


Staci A. Lusk, MS, RN, APRN
President
Arkansas State Board of Nursing

cc: Respondent

8/21/14