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 Kristin K. Benton, DNP, RN
 Executive Director
 Texas Board of Nursing

DOCKET NUMBER 507-23-24300

**IN THE MATTER OF
 PERMANENT REGISTERED NURSE
 LICENSE NUMBER 604867,
 ISSUED TO
 DANNA GAY BESSON**

**§ BEFORE THE STATE OFFICE
 § OF
 § ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: DANNA GAY BESSON
 2614 QUARRY HILL RD.
 SUGARLAND, TX 77478**

**SARAH STARNES
 ADMINISTRATIVE LAW JUDGE
 PO BOX 13025
 AUSTIN, TX 78711-3025**

At the regularly scheduled public meeting on January 25, 2024, the Texas Board of Nursing (Board) considered the following items: (1) the *Default Dismissal Order*, issued by the Administrative Law Judge (ALJ) in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's registered nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On November 14, 2023, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class and certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued the *Default Dismissal Order*, granting Staff's Motion for Default and dismissing the case from the docket of the State Office of Administrative Hearings (SOAH) and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of the *Default Dismissal Order*, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The

Board further finds that proper and timely notice regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations and conclusions of law contained in the Formal Charges, which have been deemed admitted, and which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. 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.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number RN 604867, previously issued to DANNA GAY BESSON, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

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

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 25th day of January, 2024.

TEXAS BOARD OF NURSING



KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Formal Charges

**In the Matter of
Permanent Registered Nurse
License Number 604867
Issued to DANNA GAY BESSON,
Respondent**

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

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DANNA GAY BESSON, is a Registered Nurse holding license number 604867, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record, and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 7, 2020, while employed as a Registered Nurse with Houston Methodist Willowbrook, Houston, Texas, Respondent failed to timely document her assessment of Patient Medical Record Number 109471960. Instead, she waited until August 18, 2020, to document the assessment. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through August 31, 2021), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE II.

On or about October 19, 2020, while employed as a Registered Nurse with Houston Methodist Willowbrook, Houston, Texas, Respondent incorrectly documented feedings as both breast milk and formula for Patient Medical Record Number 109485696 . In addition, she failed to scan the breast milk feed. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b) (10)&(13)(*effective through August 31, 2021*), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B), (1)(C), &(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE III.

On or about October 21, 2020, while employed as a Registered Nurse with Houston Methodist Willowbrook, Houston, Texas, Respondent failed to document the 0200 and 0500 feedings for Patient Medical Record Number 109522728. Additionally, Respondent had difficulty relaying pertinent patient information to the oncoming nurse and had to be shown where to access information in the electronic medical record. Respondent's conduct resulted in an inaccurate and incomplete medical record and was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b) (10)&(13)(*effective through August 31, 2021*), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D), & (1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE IV.

On or about September 24, 2020, while employed as a Registered Nurse with Houston Methodist Willowbrook, Houston, Texas, Respondent failed to document the type, route, and duration of the 0500 feeding for Patient Medical Record Number 109506893. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent caregivers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b) (10)&(13)(*effective through August 31, 2021*), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

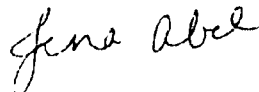
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's 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 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.

Filed this 13th day of January, 2023.

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

JoAnna Starr, Assistant General Counsel
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

1801 Congress Avenue, Suite 10-200
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

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