

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
 Registered Nurse License Number 875431  
 issued to DANA MARIE EFURD

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REINSTATEMENT  
 AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 875431, held by DANA MARIE EFURD, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on November 26, 2024.

## FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 1, 2014. Petitioner was licensed to practice professional nursing in the State of Texas on March 26, 2015.
4. Petitioner's nursing employment history is unknown.
5. On or about April 23, 2020, Petitioner's license(s) to practice nursing in the State of Texas was/were Revoked through an Order of the Board. A copy of the April 23, 2020, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about March 28, 2024, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
  - A. Letter of Support from Donna Aiken

- B. Letter of support from Donna Sims, ADON of Mira Vista Court
  - C. Letter of support from Janet Cabiness, Current Employer
  - D. Letter of support from Sgt. Edward J. Dixon (ret.)
  - E. Letter of support from Stephanie Garcia, MA, LPC
  - F. Letter of support from Jaclyn Elam, PMHNP-BC, APRN, MSN
  - G. Letter of support from Timothy J. Dixon
  - H. Documentation of TPAPN Participation from August 2018 through January 2020 including participation in therapy
  - I. Documentation of negative drug screens from Spectrum Compliance from August 23, 2018 through January 24, 2020
  - J. Documentation of support group meeting attendance from September 3, 2018 through February 29, 2020
  - K. Documentation of Intensive Treatment Program attendance at River Oaks Treatment Center from December 13, 2017, completed on January 27, 2018 including three letters of support from Chrissy LaCivita, LMSW, Kathy Williams, and Angel McCloud
  - L. Documentation of sober living at Oxford Houst Recovery Home including a letter of support from Cole Clasby
  - M. Documentation of negative drug screens from RecoveryTrek from March 14, 2024 and March 19, 2024
  - N. Documentation of negative drug screens from criminal probation from December 4, 2017 through October 9, 2019
  - O. Documentation of additional negative drug screens from August 30, 2018 and May 10, 2018
  - P. Letter of support from Diane Davis regarding participation in "FOCUS for Mothers" classes from April 16, 2018 through June 25, 2018
  - Q. Documentation of the required continuing education contact hours.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
  9. There is no evidence of any subsequent criminal conduct.
  10. 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, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
  11. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.

12. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
13. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. 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, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
5. The Board may license an individual who has a history of substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
6. 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).
7. 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. REINSTATEMENT OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of DANA MARIE EFURD for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 875431 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Until successfully completed, PETITIONER may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## II. COMPLIANCE WITH LAW

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Reinstatement Agreed Order.

## III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

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

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing. The application for the Six Month Temporary Permit is available via the

Nurse Portal on the Board's website ([www.bon.texas.gov](http://www.bon.texas.gov)). PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.

- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.**

In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.

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

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

#### IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial

education course(s) within one (1) year of relicensure, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.
- B. The course "Righting a Wrong," a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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](http://www.bon.texas.gov/compliance).*

#### V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for 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. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, 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 of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

## **VI. DRUG AND ALCOHOL RELATED REQUIREMENTS**

- A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER 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 the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER 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, PETITIONER SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and all 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 PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- Random screens shall be performed at least once per month.

All random screens SHALL BE initially conducted through urinalysis, and subsequent testing or required re-tests, when applicable, may be obtained through blood, hair/nail, and/or breathalyzer, as directed by the Board's drug and alcohol testing program. Any test result for a period of time in which the PETITIONER 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

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



Upon enrollment in the Board's drug and alcohol testing program, **PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not PETITIONER has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

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

## **VII. THERAPY REPORTS**

**While working as a nurse under the terms of this Order, PETITIONER SHALL participate in therapy with a professional counselor with credentials approved by the Board.** PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period PETITIONER 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 PETITIONER is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until PETITIONER is dismissed from therapy, whichever is earlier.

## **VII. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) and/or privilege(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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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**PETITIONER'S CERTIFICATION**

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4th day of December, 2024.

Dana Marie EFurd  
DANA MARIE EFURD, PETITIONER

Sworn to and subscribed before me this 4th day of December, 2024.

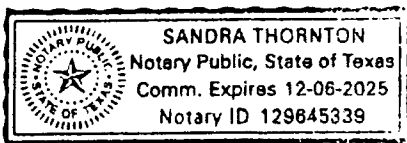
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Sandra Thornton  
Notary Public in and for the State of Texas

Approved as to form and substance.

Marc M. Meyer  
Marc M Meyer, RN, JD. Attorney for Petitioner

Signed this 4th day of December, 2024.

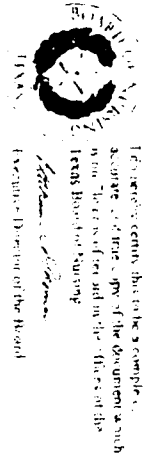


WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 4th day of December, 2024, by DANA MARIE EFURD, Registered Nurse License Number 875431, and said Reinstatement Agreed Order is final.

Effective this 30th day of January, 2025.

*Kristin K. Benton, DNP, RN*

Kristin K. Benton, DNP, RN  
Executive Director on behalf  
of said Board



**DOCKET NUMBER 507-20-1833**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>PERMANENT CERTIFICATE</b>		
<b>NUMBER 875431,</b>	<b>§</b>	<b>OF</b>
<b>ISSUED TO</b>		
<b>DANA MARIE EFURD</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**OPINION AND ORDER OF THE BOARD**

TO: DANA MARIE EFURD  
C/O MARC M. MEYER  
525 WOODLAND SQUARE BULD.  
STE 250  
CONROE, TX 77384

JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on April 23, 2020, the Texas Board of Nursing (Board), acting through its duly authorized Eligibility and Disciplinary Committee, considered the following items: the Proposal for Decision (PFD) regarding the above cited matter; Staff's recommendation to the Board regarding the PFD and order; and Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by either party.

The Board, after review and due consideration of the PFD; Staff's recommendations, and the recommendations made by the Respondent, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

**Recommendation for Sanction**

Pursuant to Tex. Occ. Code. §301.459 (a-1), the Administrative Law Judge may make a recommendation regarding an appropriate action or sanction. The Board, however, has the sole authority and discretion to determine the appropriate action or sanction. The Board agrees with the ALJ that revocation is statutorily mandated in this case pursuant to Tex. Occ. Code §301.4535(a)(8) & (b).

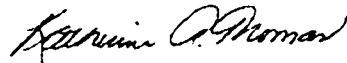
IT IS, THEREFORE, ORDERED THAT Registered Nurse License Number 875431, previously issued to DANA MARIE EFURD, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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

FURTHER, pursuant to the Occupations Code §301.4535(c), Respondent is not eligible to petition for reinstatement of licensure until at least five (5) years have elapsed from the date the RESPONDENT completes and is dismissed from community supervision or parole. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 23<sup>rd</sup> day of April, 2020

TEXAS BOARD OF NURSING

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-20-1833 (January 27, 2020)



# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

January 27, 2020

VIA INTERAGENCY

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, TX 78701


RE: Docket No. 507-20-1833; Texas Board of Nursing v. Dana Marie Efurd

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at [www.soah.texas.gov](http://www.soah.texas.gov).

Sincerely,

  
Joanne Summerhays  
Administrative Law Judge

JS/t  
Enclosures

xc: Jena Abel, Deputy General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Suite 460, Austin, TX 78701 - VIA INTERAGENCY  
Elizabeth Tschudi, Legal Assistant Supervisor, Texas Board of Nursing, 333 Guadalupe, Tower III, Suite 460, Austin, TX 78701 - VIA INTERAGENCY  
Marc M. Meyer, 525 Woodland Square Blvd., Suite 250, Conroe, TX 77334 - VIA REGULAR MAIL

300 W. 15<sup>th</sup> Street, Suite 504, Austin, Texas 78701/P.O. Box 13025, Austin, Texas 78711-3025  
512.475.4993 (Main) 512.475.3445 (Docketing) 512.475.4994 (Fax)  
[www.soah.texas.gov](http://www.soah.texas.gov)

SOAH DOCKET NO. 507-20-1833

TEXAS BOARD OF NURSING,  
Petitioner

v.

DANA MARIE EFURD, RN,  
Respondent

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION  
BY SUMMARY DISPOSITION**

The staff (Staff) of the Texas Board of Nursing (Board) seeks to revoke the registered nursing license of Dana Marie Efurd (Respondent) because she pleaded guilty to a charge of *Endangering a Child*, a state-jail felony. Staff filed a Motion for Summary Disposition (MSD) requesting a proposal for decision in its favor as a matter of law. Respondent filed a response. After considering these pleadings, the summary disposition evidence, and the applicable law, the Administrative Law Judge (ALJ) concludes that Staff's MSD should be granted and that Respondent's license is subject to mandatory revocation. Therefore, the ALJ recommends the Board revoke Respondent's nursing license. The hearing set for February 11, 2020, is CANCELED.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

On January 7, 2020, Staff referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing. On that same date, Staff filed and served Respondent with its Notice of Hearing, along with the Formal Charges, and Staff's MSD and supporting evidence. Respondent filed a response to the MSD on January 22, 2020.

Staff's evidence established jurisdiction and proper notice to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law without further discussion.

**II. SUMMARY DISPOSITION EVIDENCE**

Staff presented uncontested summary disposition evidence (Staff Exhibits A and B) establishing the following relevant facts:



- Respondent is licensed by the Board as a registered nurse, holding license number 875431.<sup>1</sup>
- On September 14, 2018, in Case No. DC-F201800438, *State v. Dana Marie Efurd*, in the 18th District Court, Johnson County, Texas, Respondent entered a plea of guilty to the offense of *Endangering a Child*, a state-jail felony committed on November 21, 2017. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on community supervision for five years and ordered her to complete the Texas Peer Assistance Program for Nurses.<sup>2</sup>

### III. APPLICABLE LAW

Summary disposition of a contested case shall be granted, in full or in part, without the necessity of a hearing on the merits if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion.<sup>3</sup>

In seeking disciplinary action against Respondent, Staff relies on Texas Occupations Code (Code) § 301.4535. Subsection (a) of this section provides that the Board is required to suspend a nurse's license if the nurse has been initially convicted of a listed offense, including *Endangering a Child* under § 22.041 of the Texas Penal Code.<sup>4</sup> Subsection (b) goes on to state that, following a final conviction or plea of guilty or nolo contendere to such an offense, the Board "as appropriate, may not issue a license to an applicant, shall refuse to renew a license, or shall revoke a license."<sup>5</sup>

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<sup>1</sup> Staff Ex. A.

<sup>2</sup> Staff Ex. B.

<sup>3</sup> 1 Tex. Admin. Code § 155.505(a).

<sup>4</sup> Tex. Occ. Code § 301.4535(a)(8).

<sup>5</sup> Tex. Occ. Code § 301.4535(b).

#### IV. ARGUMENTS, ANALYSIS, AND RECOMMENDATION

The uncontroverted summary disposition evidence shows that Respondent pleaded guilty to Endangering a Child.<sup>6</sup> Endangering a child is an offense under Texas Penal Code § 22.041. Therefore, as a matter of law, Respondent's license is subject to mandatory revocation under Code§ 301.4535(b).

Respondent does not dispute the facts established by Staff's evidence. Rather Respondent argues that because the Board did not take action to renew Respondent's license within a reasonable amount of time following the application, Respondent's license was effectively revoked without due process.

Respondent's argument is not persuasive. As Respondent acknowledged, Texas Government Code § 2001.054(b) provides that a license remains in effect until a renewal application is acted upon. Therefore, Respondent's license remains in effect until the Board takes final action, following Respondent's opportunity for due process. Respondent has had an opportunity to respond to the MSD. There are no questions of disputed fact. In these circumstances, summary disposition is appropriate.

Accordingly, revocation is required and no evidentiary hearing is necessary to consider aggravating or mitigating factors relative to sanctions in this case. Discretion is not authorized pursuant to Code § 301.4535.

For these reasons, Staff's MSD is **GRANTED**, and the ALJ recommends that the Board revoke Respondent's registered nurse license.

#### V. FINDINGS OF FACT

1. Dana Marie Efurd (Respondent) is licensed by the Texas Board of Nursing (Board) as a registered nurse, holding license number 875431.

<sup>6</sup> Staff Ex. B

2. On September 14, 2018, in Case No. DC-F201800438, *State v. Dana Marie Efurd*, in the 18th District Court, Johnson County, Texas, Respondent entered a plea of guilty to the offense of Endangering a Child, a state-jail felony committed on November 21, 2017. The court found that the evidence substantiated Respondent's guilt but deferred adjudication of the case and placed Respondent on community supervision for five years and ordered her to complete the Texas Peer Assistance Program for Nurses.
3. On January 7, 2020, the Board's staff (Staff) referred this case to the State Office of Administrative Hearings (SOAH) for a contested case hearing.
4. On January 7, 2020, Staff filed and served its Notice of Hearing on Respondent. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
5. On January 7, 2020, Staff filed and served Respondent with Staff's Motion for Summary Disposition and supporting evidence.
6. Respondent filed a response to Staff's motion on January 22, 2020.

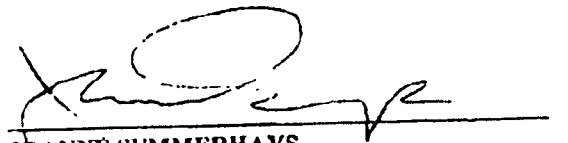
## VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 301.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 301.454.
3. Respondent received timely and adequate notice of the allegations against her. Tex. Gov't Code §§ 2001.051-.052.
4. Summary disposition shall be granted on all or part of a contested case if the pleadings, the motion for summary disposition, and the summary disposition evidence show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law on all or some of the issues expressly set out in the motion. 1 Tex. Admin. Code § 155.505(e).
5. *Endangering a Child* is an offense under Texas Penal Code § 22.041.
6. Respondent's nursing license is subject to mandatory revocation. Tex. Occ. Code § 301.4535(a)(8), (b).

**VII. RECOMMENDATION**

Based on the above findings of fact and conclusions of law, the ALJ recommends that the Board revoke Respondent's nursing license.

**SIGNED January 27, 2020.**



JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS