

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 119896  
ISSUED TO  
DEBRA LOUISE DUKE

§  
§  
§  
§  
§  
§  
§  
§

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



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.  
*Patricia A. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Debra Louise Duke  
1591 Mill Road  
Alford, Florida 32420

During open meeting held in Austin, Texas, on February 14, 2012, the 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 of the Texas Board of Nursing 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 to practice vocational 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 Eligibility and Disciplinary 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 Certificate Number 119896, previously issued to DEBRA LOUISE DUKE, to practice vocational 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 14<sup>th</sup> day of February, 2012.

TEXAS BOARD OF NURSING

BY:



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


Attachment: Formal Charge filed October 25, 2011.

Re: Permanent Certificate Number 119896  
Issued to Debra Louise Duke  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Debra Louise Duke  
1591 Mill Road  
Alford, Florida 32420

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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 119896, Issued to §  
DEBRA LOUISE DUKE, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBRA LOUISE DUKE, is a Vocational Nurse holding license number 119896, 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 February 11, 2011, Respondent received a Final Order from the State of Florida Board of Nursing wherein Respondent's license to practice practical nursing in the State of Florida was Suspended with the suspension stayed upon evaluation and entry into the Intervention Project for Nurses (IPN) for the State of Florida. A copy of the Final Order issued by the State of Florida Board of Nursing dated February 11, 2011 is attached and incorporated by reference as a part of this charge.

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

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 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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

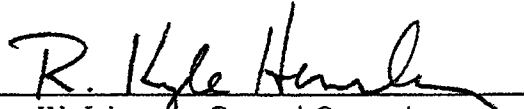
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff. Final Order issued by the State of Florida Board of Nursing dated February 11, 2011.

Filed this 25<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

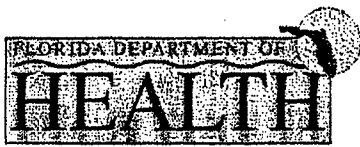
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Final Order issued by the State of Florida Board of Nursing dated February 11, 2011.

D/2011.09.23



Rick Scott  
Governor

---

CERTIFICATION

I, **Amy Carraway**, Deputy Agency Clerk and Custodian of Records, HEREBY certify the following to be true and correct as on file with the Department of Health.

Attached is a true and correct copy of the Final Order from Case Number **2010-12625** as maintained by the Department of Health. The attached is a regularly received and retained record of the **Board of Nursing vs. Debra Duke** and is received and retained in the ordinary course of business of the Department of Health.

A handwritten signature in cursive script, appearing to read "Amy Carraway", written over a horizontal line.

Amy Carraway  
Deputy Agency Clerk



Rick Scott  
Governor

Personally appeared before me, the undersigned authority, **Amy Carraway**, Deputy Agency Clerk, Department of Health, Division of Medical Quality Assurance, who being sworn, says that this is a true and correct copy from the official file of the Department of Health.

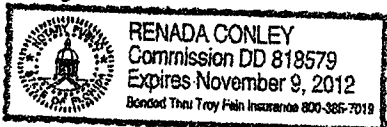
Amy Carraway  
Deputy Agency Clerk

STATE OF FLORIDA  
COUNTY OF LEON

Before me, personally appeared Amy Carraway whose identity is personally known to me as Deputy Agency Clerk, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this **14th** day of **March 2011**.

Notary Public-State of Florida



Type or Print Name

STATE OF FLORIDA  
BOARD OF NURSING

By: Melissa Nobrega  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2010-12625  
License No.: PN 769531

DEBRA LOUISE DUKE,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 4, 2011, in Tampa, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

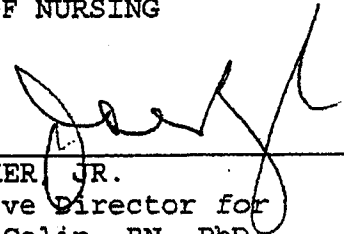
ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$1,113.37. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement. Upon notification that Respondent has entered IPN, the suspension imposed herein shall be stayed.



This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 11<sup>th</sup> day of Feb, 2011.

BOARD OF NURSING

  
\_\_\_\_\_  
JOE BAKER, JR.  
Executive Director for  
Jessie Colin, RN, PhD  
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to DEBRA LOUISE DUKE, 1591 Mill Road, Alford, FL 32420 and Jean D'Aprix, IPN, P.O. Box 49130, Jacksonville FL 32240; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, William Miller, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 14<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Deputy Agency Clerk

7009 3410 0001 4584 5713

U.S. Postal Service CERTIFIED MAIL (Domestic Mail Only - Not for sale)	
For delivery information:	
<b>OFFICIAL</b>	
Postage	*
Certified Fee	*
Return Receipt Fee (Endorsement Required)	*
Restricted Delivery Fee (Endorsement Required)	*
Total Postage & Fees	\$
Sent To	
Street, Apt. No., or PO Box No., City, State, ZIP+4	

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2010-12625**

**DEBRA LOUISE DUKE, L.P.N.,**

**RESPONDENT.**

---

**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health; by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Debra Louise Duke, L.P.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed practical nurse (L.P.N.) within the state of Florida, having been issued license number PN 769531.

3. Respondent's address of record is 1591 Mill Road, Alford, FL 32420.

4. On or about June 14, 2010, Respondent submitted to a urine drug screen.

5. Respondent's drug screen was positive for codeine.

6. Codeine is commonly prescribed to treat pain. According to Section 893.03(2), Florida Statutes, codeine is a Schedule II controlled substance that has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of codeine may lead to severe psychological or physical dependence.

7. Respondent did not have a prescription for codeine.

8. Respondent did not have a legitimate medical reason for using codeine.

9. Section 464.018(1)(h), Florida Statutes (2009), provides that unprofessional conduct as defined by board rule constitutes grounds for disciplinary action.

10. Rule 64B9-8.005(12), Florida Administrative Code, provides that unprofessional conduct shall include testing positive for any drugs under

Chapter 893, Florida Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drugs.

11. On or about June 14, 2010, Respondent submitted to a urine drug screen, which was positive for codeine, which is listed under Chapter 893, Florida Statutes. Respondent did not have a prescription and legitimate medical reason for using codeine.

12. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2009), by engaging unprofessional conduct as defined by Rule 64B9-8.005(12), Florida Administrative Code, to include testing positive for any drugs under Chapter 893, Florida Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drugs.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 30<sup>th</sup> day of September, 2010.

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: Brandi Gray  
DATE 10-1-10

Ana M. Viamonte Rose, M.D., M.P.H.  
State Surgeon General

Michael G. Lawrence, Jr.  
Michael G. Lawrence, Jr.

Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Florida Bar Number 0011265  
(850) 245 - 4640 Telephone  
(850) 245 - 4683 Facsimile

/MGL

PCP:

PCP Members:

C. HORNE & L. HORTON

9/30/10

30703

### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**CASE NO.: 2010-12625**

**Debra Louise Duke, L.P.N.,**

**Respondent.**

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

**STIPULATED FACTS**

1. Respondent is a **Licensed Practical Nurse** in the State of Florida holding license number **769531**.
2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456

**CONFIDENTIAL**

and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

#### **STIPULATED LAW**

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

#### **PROPOSED DISPOSITION**

1. The Board of Nursing shall reprimand the license of the Respondent.

2. The Respondent must pay an investigative costs not to exceed **One thousand nine hundred seventy nine dollars and fifty cents (\$1,979.50)** within two (2) years from the date of entry of the Final Order. However, if the Respondent is in the Intervention Project for Nurses (IPN), the payment is due **prior** to completion of IPN. If the Respondent's license is suspended by the terms of this agreement, the payment is due **prior** to the application for reinstatement of the license. If the Respondent is placed on probation, the payment is due **prior** to the completion of the probationary period. The Respondent has the responsibility to document financial hardship **prior** to the due date of the payment. Payment must be by money order.



Partial payments shall be accepted. Payment shall be made to the Board of Nursing and mailed to, Department of Health, Compliance Management Unit, Bin C76, P.O. Box 6320, Tallahassee, FL 32314-6320, Attention: Nursing Compliance Officer.

3. The license of **Debra Louise Duke, L.P.N.**, is suspended until such time that he/she until the applicant undergoes an evaluation coordinated by the Intervention Project for Nurses (IPN), and complies with any and all terms and conditions imposed by IPN as a result of said evaluation. At such time the suspension shall be stayed and remain stayed as long as the Respondent participates in the IPN. It is the duty of the Respondent to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620 within 30 days from the date of entry of the Final Order.

4. If the Respondent is in need of monitoring or treatment, the Respondent shall comply with all conditions of the IPN Advocacy Contract or she/he will be in violation of the Board Order. Violation of the IPN Advocacy Contract shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order and appearance before the Board to demonstrate present ability to engage in the safe practice of nursing, which shall include a demonstration of two (2) years of documented continuous sobriety. The Board reserves the right to impose reasonable conditions of reinstatement at the time the Respondent appears before the Board to demonstrate the present ability to engage in the safe practice of nursing.

5. If the Respondent is not in need of monitoring or treatment and the IPN is not suitable, no further action will be required.

6. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

7. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

8. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to, and consideration of, this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

9. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached

hereto. This Agreement relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

10. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

11. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

**WHEREFORE**, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 19 day of October, 2010.

Debra L. Duke LPA  
Debra Louise Duke, L.P.N.

Before me personally appeared Debra L. Duke whose identity is known to be by PLDL# (if identification), and who under oath, acknowledges that his/her signature appears above. Sworn to and subscribed by Respondent before me this 19 day of October, 2010.

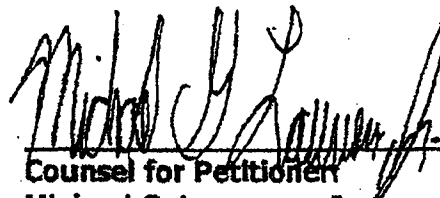
Ashley Adkins  
Notary Public  
My Commission Expires:



ASHLEY ADKINS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# 000817183  
Expires 8/16/2013

APPROVED this 28<sup>th</sup> day of October, 2010.

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General



Counsel for Petitioner

**Michael G. Lawrence, Jr.**

Assistant General Counsel

FBN: 0011265

Department of Health

Prosecution Services Unit

4052 Bald Cypress Way, BIN #C-65

Tallahassee, Florida 32399-3265

MGL/tr

30712