



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
Registered Nurse License Number 605376 §
issued to BRENDA JEANETTE DUNCAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRENDA JEANETTE DUNCAN, Registered Nurse License Number 605376, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. ART. 4525(b)(2)&(9)(eff. 9/1/1993), and Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 26, 2012.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 15, 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 28, 1994.
5. Respondent's nursing employment history is unknown.

6. On or about March 2, 1994, Respondent submitted an Application for Initial Licensure for Graduates of Schools In the United States to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose that, on or about November 26, 1980, Respondent was arrested by the Police Department, Brawley, California, and subsequently convicted of PETTY THEFT-SHOPLIFTING. As a result of the conviction, Respondent was placed on probation for a period of thirty-six (36) months, and ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states, she was given a sewing machine from the occupant which resulted in her arrest. She just recently was informed that the answer to the question should had been "yes" and she did not understand that the misdemeanor was an issue and she thought they were resolved.

8. On or about September 7, 2008, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

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

Respondent failed to disclose that, on or about October 5, 2007, Respondent pled Guilty to THEFT 0/\$50.00, U/\$500.00, a Class B misdemeanor offense committed on May 17, 2007, in the County Court, Fannin County, Texas, under Cause No. 43381. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months, and ordered to pay restitution in the amount of seventy-five dollars (\$75.00), along with a fine and court costs.

Respondent also failed to disclose that, on or about May 31, 2008, Respondent was arrested by the Bonham Police Department, Bonham, Texas, and subsequently charged under Cause

No. 43914 for THEFT PROPERTY >=\$50<\$500, a Class B misdemeanor offense. The charge was pending at the time of the renewal.

9. In response to Finding of Fact Number Eight (8), Respondent states, while she was out of state she did not have her personalized checks with her. She decided to fill up a vehicle but did not realize the policy of the business had changed which did not accept out of county checks, or out of state checks. She did not steal gas because she paid for it, but she did leave without approval. She again thought this was going to be resolved.
10. On or about September 12, 2010, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
 - B. been convicted of a felony?
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or have any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about September 19, 2008, Respondent pled not guilty, but was found Guilty of THEFT OF PROPERTY >\$50<\$500, a misdemeanor offense committed on May 31, 2008, in the County Court, Fannin County, Texas, under Cause No. 43914. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months, and ordered to pay a fine and court costs.

Respondent also failed to disclose that, on or about August 3, 2009, Respondent was arrested by the Delta County Sheriff's Office, Cooper, Texas, and subsequently charged under Cause No. 7112 for POSSESSION CONTROLLED SUBSTANCE PG 1<1G, a State Jail Felony offense. On or about October 7, 2011, Cause No. 7112 was dismissed in 8th Judicial District Court, Delta County, Texas. However, the charge was pending at the time of the renewal.

11. In response to Finding of Fact Number Ten (10), Respondent states, she was trying to help someone out by giving a girl a ride. They were pulled over and the vehicle searched. The passenger had drugs in her purse and since it was her vehicle and she was driving, they both were charged with a felony charge. She further stated she contacted the BON and was

instructed to wait until the matter was dismissed and send all the paperwork in at the same time.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.13(17)(eff. 1/1993-6/1994) and 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4525b(2)&(9)(eff. 9/1/1993), and Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against, Registered Nurse License Number 605376, heretofore issued to BRENDA JEANETTE DUNCAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred

fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that 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 shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

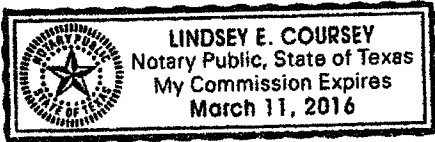
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21st day of Nov., 2012.

Brenda Jeanette Duncan
BRENDA JEANETTE DUNCAN, Respondent

Sworn to and subscribed before me this 21st day of November, 2012.

SEAL

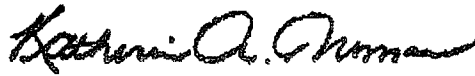


[Signature]
Notary Public in and for the State of TX

Approved as to form and substance.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 21st day of November, 20 12, by BRENDA JEANETTE DUNCAN, Registered Nurse License Number 605376, and said Order is final.

Effective this 29th day of November, 20 12.



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