



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 571699 §
issued to FRANCES ELAINE FREEMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FRANCES ELAINE FREEMAN, , Registered Nurse License Number 571699, 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)(10) and 301.453, Texas Occupations Code. Respondent waived, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 8, 2012, subject to ratification by the Board.

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 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 Texarkana Community College, Texarkana, Texas, on May 1, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.
5. Respondent's nursing employment history is unknown.

6. On or about January 31, 2008, Respondent submitted an Online Renewal Document Registered Nurse 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 judgement/punishment/action?"

Respondent failed to disclose that on or about September 28, 2007, She was arrested by the Texas Highway Patrol in Garland, Texas, and subsequently charged under Cause No. CR072372 for DRIVING WHILE INTOXICATED/ OPEN ALCOHOL CONTAINER, a class B misdemeanor offense. The criminal charge was still pending at the time Respondent submitted the renewal to the Board.

7. On or about June 27, 2008, Respondent entered a plea of Guilty to OBSTRUCTING HIGHWAY PASSAGEWAY, a Class B misdemeanor offense committed on September 28, 2007, in the County Court at Law of Hunt County, Texas, under Cause No. CR07-02372. 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 twelve (12) months, and ordered to pay a fine and court costs.
8. On or about August 18, 2009, Respondent pled Guilty and was convicted of RESIST ARREST SEARCH OR TRANSPORT, a Class B Misdemeanor offense committed on July 6, 2009, in the County Court at Law No.4 of Collin County, Texas, under Cause No.004-85663-09. As a result of the conviction, Respondent was sentenced to confinement in the Collin County Jail for a period of one hundred twenty (120) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of nine (9) months, and ordered to pay a fine and court costs.
9. On or about August 18, 2009, Respondent pled Guilty and was convicted of DUTY ON STRIKING FIXTURE/HWY LANDSCAPE >=\$200, a Class B Misdemeanor offense committed on July 6, 2009, in the County Court at Law No.4 of Collin County, Texas, under Cause No.004-85664-09. As a result of the conviction, Respondent was sentenced to confinement in the Collin County Jail for a period of one hundred twenty (120) days; however, imposition of the sentence of confinement was suspended, and Respondent was

placed on probation for a period of nine (9) months, and ordered to pay a fine and court costs.

10. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states several years ago, she began to experience unexplained muscle aching and fatigue and insomnia and was diagnosed with fibromyalgia by her family doctor. She heard about the fibromyalgia and Chronic fatigue in Dallas. They treated her with nutritional supplements, a sleeping aid (Ambien) and an anti depressant. One evening in November 2007, she came home and quarreled with her husband over something insignificant. She just wanted to go to bed and go to sleep. She had some wine took her Ambien and went to bed. She woke up the next morning in the Hunt County Jail with absolutely no memory of any of the events that had transpired. She was appalled when she found out she had driven her car into a ditch. There were food containers which showed she had stopped at a fast food restaurant. She was charged with DUI which was later reduced to blockage of a highway. Additionally, She tried other ways to treat insomnia, but nothing worked as well as Ambien. She probably needed a sleep study, but she has no medical insurance since her husband had lost his job. Her daughter was also diagnosed with cancer and she had her first grandson. Then the unthinkable happened. She had another episode of sleep driving. She hit a neighbor's fence who lived down the alley way and was charged with hitting a highway fixture and resisting arrest. She has no memory of it. She went to court and her lawyer didn't show up. She received a fine and court costs, 10 days community service attend a victims impact group and have a drug evaluation.

11. On January 18, 2012 and subsequently November 19, 2012, Respondent was seen by Harvey Martin, Ph.D. to undergo a Chemical Dependency Evaluation. Dr. Martin states the following: Respondent is a 62-year old white female who is currently emotionally stable and does not exhibit risk factors, which might incline her toward irresponsible or unwise behaviors, compromising her ability to perform as a nurse. Respondent has had several significant medical problems primarily that of fibromyalgia and bilateral osteoarthritis of her knees. The events leading to the Respondent's involvement with the board involve two incidents, the first in 2007 and the second in 2009, in which Respondent took Ambien for her chronic sleep disturbance, drove her car, and was involved in a driving, non-injury incident. On each occasion, Respondent was arrested, but has complete amnesia, as one might expect with Ambien about the incidents. There is not a history of the misuse of alcohol over the years nor is there any history of illicit drug use. There is no history of abuse of prescription medications including benzodiazepines or opiates. The specific civil legal action which resulted as a consequence for these two incidents was reviewed. In his professional opinion he does not feel that Respondent suffers from a significant problem with alcohol or any other intoxicating substance. He does not feel she is a candidate to attend Alcoholics Anonymous or Narcotics Anonymous, nor does he think she needs to participate in any type of drug or alcohol rehabilitation effort. It is his professional opinion that she be given full, favorable considerations that there are no contraindications to her continuing her full, unrestricted employment as a RN.

12. Formal Charges were filed on June 27, 2012.
13. Formal Charges were mailed to Respondent on June 28, 2012.

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 §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against , Registered Nurse License Number 571699, heretofore issued to FRANCES ELAINE FREEMAN, including revocation, of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, 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 Texas Board of Nursing 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, within one (1) year of entry of this Order successfully complete 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

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to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the duration of the probation period random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

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.

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 period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY 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.

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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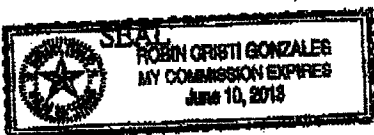
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 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 17th day of January, 2013.

Frances Elaine Freeman,
FRANCES ELAINE FREEMAN, RESPONDENT

Sworn to and subscribed before me this 17th day of January, 2013.



Rolinda Crista Gonzales
Notary Public in and for the State of Texas

Approved as to form and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 17th day of January, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of February, 2013, by FRANCES ELAINE FREEMAN, Registered Nurse License Number 571699, and said Order is final.

Effective this 12th day of February, 2013.



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