



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 Acute Care Adult Nurse Practitioner § AGREED
and Registered Nurse License Number 713090 §
issued to SUSAN AILEEN MILLER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSAN AILEEN MILLER, Acute Care Adult Nurse Practitioner (ACANP), Registered Nurse License Number 713090, 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)&(13) and 301.453, 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 November 20, 2013, 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 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 a Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, on December 18, 2004; a Masters in Nursing from the University of Texas at Galveston, Galveston, Texas, on December 14, 2007; became Board recognized as an Acute Care Adult Nurse Practitioner with Prescriptive Authority on February 2, 2008. Respondent was licensed to practice professional nursing in the State of Texas on February 3, 2005.

5. Respondent's nursing employment history includes:

2/05 - 12/07	RN/Clinical Educator Cardiac Intensive Care Unit	The Medical Center Southeast Texas Port Arthur, Texas
1/08 - 2/08	Unknown	
3/08 - 9/08	ACANP	The Family Medical Clinic Bridge City, Texas
10/08 - 7/09	ACANP	Beaumont Medical Center Beaumont, Texas
8/09 - Present	ACANP Emergency Department	The Medical Center Southeast Texas Port Arthur, Texas

6. At the time of the incident in Finding of fact Number Seven (7), Respondent was employed as an Acute Care Adult Nurse Practitioner (ACANP) in the Emergency Department with The Medical Center Southeast Texas, Port Arthur, Texas, and had been in this position for two (2) years and two (2) months.

7. On or about November 28, 2011, while contracting with Port Arthur Emergency Physicians and assigned to Medical Center Southeast Texas, Port Arthur, Texas, Respondent called in unauthorized prescriptions for Adipex for two (2) nurses, neither of whom were her patients and without the knowledge or authorization from the physician whose Drug Enforcement Agency (DEA) number she used. Furthermore, on one of the prescriptions, Respondent authorized six (6) refills which is a violation of Rule 222.6(b)(2). Respondent's conduct was likely to deceive the pharmacy and possession of Adipex through the use of an unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. In response to the incident in Finding of Fact Number Seven (7), Respondent admits that "there is certainly no excuse for this breach of rules and regulations governing our nursing practice, and it is with remorse and dismay that I now look at the transgression, realizing the harm I have done, not only to myself but to the image of nursing."

Respondent states that she did take a history, evaluating risk factors, examining the patient, and providing information about the medication's indications, actions, and possible side effects. Respondent states that the reason she used the doctor's name when she called in the prescription was because they had engaged in several discussions regarding the upstart of a weight loss clinic. "I was so confident at the time of the appropriateness of my actions that I gave the pharmacy the direct number to the emergency department and instructed them to call if there were any questions regarding the prescription. Thankfully, no physical harm occurred to either patient; indeed one prescription was never filled. Furthermore, there was never any exchange of monies."

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 §§217.11(1)(A),(1)(B),(1)(P)&(4)(B) and 217.12(1)(A),(4),(6)(A),(6)(H),(10)(B),(10)(E) &(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Acute Care Adult Nurse Practitioner, Registered Nurse License Number 713090, heretofore issued to SUSAN AILEEN MILLER, 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 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 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 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>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00)dollars. 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, 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(S) 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) Should RESPONDENT choose to work as an Acute Care Adult Nurse Practitioner, RESPONDENT'S practice of professional nursing will be monitored for (1) year by a Physician or Acute Care Adult Nurse Practitioner who has been approved by the Board. RESPONDENT must provide a list of three (3) Physicians and/or three (3) Acute Care Adult Nurse Practitioners from which the Board shall select. For the Physician and/or Acute Care Adult Nurse Practitioner, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

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 may 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 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.

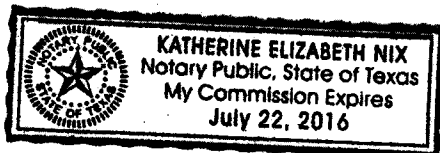
Signed this 12th day of December, 2013.

Susan Aileen Miller
SUSAN AILEEN MILLER, RESPONDENT

Sworn to and subscribed before me this 12th day of December, 2013.

SEAL

Katherine Nix
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of December , 2013, by SUSAN AILEEN MILLER, Acute Care Adult Nurse Practitioner, Registered Nurse License Number 713090, and said Order is final.

Effective this 23rd day of January , 2014 .



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