



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 248907 §
& Vocational Nurse License Number 54455 §
issued to SUE N. DUNCAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUE N. DUNCAN, Registered Nurse License Number 248907, and Vocational Nurse License Number 54455, 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)(9),(10)&(12), 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's license to practice vocational nursing in the State of Texas is in delinquent status. Respondent's license to practice professional nursing in the State of Texas is in inactive status.
4. Respondent received a Certificate in Vocational Nursing from Mineral Wells School of Vocational Nursing, Mineral Wells, Texas on September 13, 1972. Respondent received an Associate Degree in Nursing from Tarleton State University, Stephenville, Texas on May 1, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on November 18, 1972. Respondent was licensed to practice professional nursing in the State

of Texas on September 4, 1979.

5. Respondent's vocational and professional nursing employment history includes:

11/1972 - 1977	LVN	Palo Pinto General Hospital Mineral Wells, Texas
1978 - 09/1979	Unknown	
10/1979 - 10/1989	RN	Surgery Association Mineral Wells, Texas
11/1989 - 12/1989	Unknown	
10/1989 - 08/2013	RN	Palo Pinto General Hospital Mineral Wells, Texas
1990	RN	Plaza Medical Center Fort Worth, Texas
09/2013 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Palo Pinto General Hospital, Mineral Wells, Texas, and had been in this position for twenty-three (23) years and ten (10) months.
7. On or about April 9, 2013, while employed as a Registered Nurse with Palo Pinto General Hospital, Mineral Wells, Texas, Respondent lacked fitness to practice professional nursing in that she fell asleep while suturing patient medical record number 12190, after a surgical procedure. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about April 9, 2013, while employed as a Registered Nurse with Palo Pinto General Hospital, Mineral Wells, Texas, Respondent engaged in the intemperate use of Fentanyl in that she produced a specimen for a drug screen that resulted positive for Fentanyl. Additionally, Respondent admitted that she had taken Flexeril, Fentanyl, and Hydrocodone. The use of Flexeril, Fentanyl, and Hydrocodone by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: "I was assisting on a Femoral-Popliteal Bypass. My back had been hurting as usual, so I thought that I would take my prescribed Flexeril in the morning before the case. At the end of the case it was not unusual for me to close wounds, as I am certified to do this. I was closing the wound when I became very drowsy. They said I went to sleep, but I did not. I closed my eyes for a moment and knowing that I was drowsy I told the girls that I had to move around to avoid this feeling."
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances

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(1)(A),(1)(E),(4),(5)&(10)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 248907, and Vocational Nurse License Number 54455, heretofore issued to SUE N. DUNCAN, 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 a LIMITED LICENSE 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 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) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license.

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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.

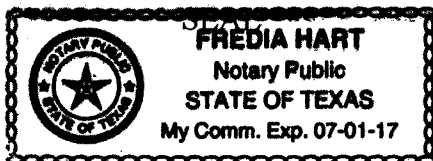
Signed this 9th day of January, 2014.

Sue N. Duncan
SUE N DUNCAN, Respondent

Sworn to and subscribed before me this 9 day of January, 2014.

Fredia Hart

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 9th day of January, 2014, by SUE N. DUNCAN, Registered Nurse License Number 248907, and Vocational Nurse License Number 54455, and said Order is final.

Effective this 11th day of February, 2014.



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