

IN THE MATTER OF PERMANENT
REGISTERED NURSE
LICENSE NUMBER 698683,
ISSUED TO MINDY NICOLE DUNCAN,
RESPONDENT

§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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 Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Mindy Nicole Duncan
593 N Country Farm Rd
Fayetteville, Arkansas 72704

During open meeting held in Austin, Texas, on **November 10, 2015**, the Texas Board of

Nursing 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 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(s) to practice 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 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 Advanced Practice Registered Nurse License Number , Permanent Registered Nurse License Number 698683, and Permanent Vocational Nurse License Number 0, previously issued to MINDY NICOLE DUNCAN, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 10th day of November, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed .

d17r(2014.12.05)

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2015, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Mindy Nicole Duncan
593 N Country Farm Rd
Fayetteville, Arkansas 72704

Via USPS First Class Mail

Mindy Nicole Duncan
5660 Fountain St
Fayetteville, Arkansas 72704

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 698683	§	
Issued to MINDY NICOLE DUNCAN,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MINDY NICOLE DUNCAN, is a Registered Nurse holding License Number 698683, which is in compact privilege - invalid 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 June 23, 2015, Respondent was issued an Order for Voluntary Surrender by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Arkansas State Board of Nursing Order, dated June 23, 2015, is attached and incorporated, by reference, as part of this pleading.

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.

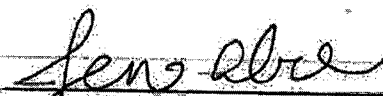
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CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of the Arkansas State Board of Nursing dated June 23, 2015.

Filed this 8th day of September, 2015.

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

Natalie E. Adelaja, Assistant General Counsel
State Bar No. 24064715

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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

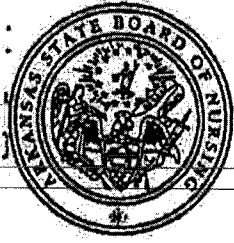
John F. Legris, Assistant General Counsel
State Bar No. 00785533

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Arkansas State Board of Nursing dated June 23, 2015.

D(2015.07.29)



ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800, University Tower Building, Little Rock, AR 72204
Phone: (501) 686-2700 Fax: (501) 686-2714 www.arsbn.org


FORMAL DISCIPLINARY DOCUMENT

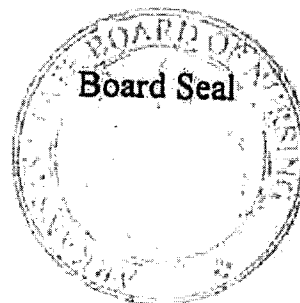
RE: MINDY NICOLE DUNCAN

Regarding your request for information about the above-named practitioner, attached is a true and correct copy of the document on file with the Arkansas State Board of Nursing Discipline Department. These records are considered Certified by the Arkansas State Board of Nursing.

Certain information may have been withheld pursuant to Arkansas state laws. While those laws require that most records be disclosed on request, they may also state that certain information should not be disclosed.

The following information has been withheld: **NONE**


SUE TEDFORD, MNSc, RN
ASBN Executive Director



**ORDER FOR
VOLUNTARY SURRENDER**

IT IS SO ORDERED that the Board hereby accept the voluntary surrender of
RN License No. R088411 and Privilege to Practice in Arkansas, granted to Mindy Nicole
Duncan (hereinafter referred to as Respondent.)

Respondent understands that voluntary surrender of the license is disciplinary action and
this document constitutes a final order of the Arkansas State Board of Nursing.

This Voluntary Surrender is:

- public information
- made a part of Respondent's record
- scheduled to be reported in the ASBN newsletter
- reported to the National Council of State Boards of Nursing Disciplinary Data Bank and
- reported to the National Practitioner Data Bank

A written request and appropriate documentation must be submitted to the Board's General
Counsel for consideration of reinstatement. Documentation requirements will vary dependent on
each Respondent's circumstance. Appropriate documentation may include but is not limited to:

- Medical Records
- Addiction/Abuse treatment records with recommendations for continued sobriety
and a statement that the licensee is safe to practice
- Criminal Background Check and criminal records
- Employment Records and employer recommendations

Nurses reinstating a nursing license to active status after the expiration date of the current
license shall document completion of continuing education as required by the Board. On the
backside of this form, please explain the reason for your voluntary surrender.

Respondent may apply for reinstatement of said license after one (1) year provided there are
no other violations of the Nurse Practice Act.

Mindy Duncan 6/23/15
Respondent Signature Date

ARKANSAS STATE BOARD OF NURSING

By: Sue A. Tedford, MNSc, RN
Sue A. Tedford, MNSc, RN, Executive Director

Dated: June 23, 2015

2015 JUN 22 PM 3:51
NBS