



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

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In the Matter of Advanced Practice Registered Nurse License Number AP120780 with Prescription Authorization Number 11689 & Registered Nurse License Number 656930 Issued to, DEBORAH LYNN BORGMAN § AGREED § § § § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBORAH LYNN BORGMAN, Advanced Practice Registered Nurse License Number AP120780 with Prescription Authorization Number 11689, and Registered Nurse License Number 656930, 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)(1),(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 17, 2015.

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 notice and hearing and agreed to the entry of this Order.
- 3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
- 4. Respondent received a Baccalaureate Degree in Nursing from Indiana Wesleyan University, Marion, Indiana, on January 1, 1993 and received a Masters in Nursing from Ball State University, Muncie, Indiana, on December 18, 2010. Respondent was licensed to practice professional nursing in the State of Texas on January 6, 1999, and was licensed to practice advanced practice registered nursing in the role of Family Nurse Practitioner with prescription authorization in the State of Texas on August 23, 2011.

5. Respondent's nursing employment history is unknown.
6. On or about July 1, 2012, through November 5, 2012, while employed as a Family Nurse Practitioner at True Care Medical Clinic, Houston, Texas, Respondent's practice fell below the minimum standards of nursing practice in that Respondent engaged in non-therapeutic prescribing practices. During this time period, Respondent issued prescriptions for controlled substances to patients without conducting appropriate assessments to justify her prescribing practices and/or exploring/ordering other treatment options in lieu of prescribing dangerous controlled substances to her patients. Respondent prescribed dangerous controlled substances without a protocol or other written authority.

Further, Respondent failed to collaborate, and/or completely/accurately document, collaboration with a delegating/collaborating physician in the patients' medical records; failed to appropriately monitor Respondent's patients for abusive and/or drug seeking behavior; and failed to completely/accurately document in the patients' medical files.

7. On or about October 22, 2012, through October 23, 2012, while employed as a Family Nurse Practitioner at Clinic 1 Care, Houston, Texas, Respondent's practice fell below the minimum standards of nursing practice in that Respondent engaged in non-therapeutic prescribing practices. During this time period, Respondent issued prescriptions for controlled substances to patients JB, CC, JC, EG, DG, CM, MO, SO, MP, CR, MV, JW, and JY without conducting appropriate assessments to justify her prescribing practices and/or exploring/ordering other treatment options in lieu of prescribing dangerous controlled substances to her patients.

Further, Respondent failed to collaborate, and/or completely/accurately document collaboration with a delegating/collaborating physician in the patients' medical records; failed to appropriately monitor Respondent's patients for abusive and/or drug seeking behavior; and failed to completely/accurately document in the patients' medical files.

#### 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)(C),(4)(A)&(4)(B), 217.12(1)(A),(1)(B)&(4), 221.13(a)&(d), 222.4(a), 222.6(b)&(c)(effective 12/26/2003 through 11/20/13), and 222.12(a)(effective 2/14/2010 through 11/20/2013)

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP120780 with Prescription Authorization Number 11689, and Registered Nurse License Number 656930, heretofore issued to DEBORAH LYNN BORGMAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### I. SANCTION

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that:

- A. Prescription Authorization Number 11689, previously issued to DEBORAH LYNN BORGMAN, is **LIMITED and RESPONDENT SHALL NOT prescribe or order any controlled substances**. Further, RESPONDENT SHALL surrender all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s) and/or DPS (Texas Department of Public Safety) Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, on or before the effective date of this Order.

IT IS FURTHER AGREED and ORDERED that RESPONDENT, Advanced Practice Registered Nurse License Number AP120780 with Prescription Authorization Number 11689, and Registered Nurse License Number 656930, SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

#### II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to 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.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at*

[www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).

**IV. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of two thousand five hundred dollars (\$2,500.00). RESPONDENT SHALL pay this fine within three hundred and sixty (360) days of the effective date 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.

**V. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer, practice site and/or credentialing agency in nursing 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.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S) AND/OR FULL PRESCRIBING AUTHORIZATION**

With the exception of RESPONDENT'S Prescription Authorization, upon full compliance with the terms of this Order, all other 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.

Upon full compliance with the terms of this Order, RESPONDENT'S Prescription Authorization shall remain **LIMITED** and **RESPONDENT SHALL NOT be authorized to prescribe or order any controlled substances** until such time that RESPONDENT petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, RESPONDENT SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain. The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.
- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or DPS Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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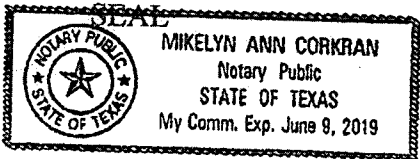
RESPONDENT'S CERTIFICATION

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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25<sup>th</sup> day of January, 2016.

Deborah Lynn Borgman  
DEBORAH LYNN BORGMAN, Respondent

Sworn to and subscribed before me this 25 day of Jan, 2016.



Mikelyn Corkran  
Notary Public in and for the State of TX

Approved as to form and substance.

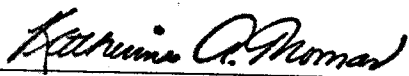
Alejandro Mora  
Alejandro Mora, Attorney for Respondent

Signed this 25<sup>th</sup> day of January, 2016.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25<sup>th</sup> day of January, 2016, by DEBORAH LYNN BORGMAN, Advanced Practice Registered Nurse License Number AP120780 with Prescription Authorization Number 11689, and Registered Nurse License Number 656930, and said Order is final.

Effective this 8<sup>th</sup> day of March, 2016.



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