



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	§	AGREED
Registered Nurse License Number 626908	§	
& Vocational Nurse License Number 110096	§	
issued to PEGGY SUE MICAN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PEGGY SUE MICAN, Registered Nurse License Number 626908 and Vocational Nurse License Number 110096, 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), 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 January 29, 2016.

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 vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Del Mar College, Corpus Christi, Texas, on February 28, 1985, and received an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on June 2, 1985, and was licensed to practice professional nursing in the State of Texas on March 5, 1996.

5. Respondent's nursing employment history includes:

6/1985 - 7/1988	Unknown	
8/1988 - Unknown	Staff Nurse	Corpus Christi State School Corpus Christi, Texas
3/1997 - Unknown	Home Health Nurse	Deaconess Homecare Corpus Christi, Texas
2/2007 - Unknown	Home Health Nurse	PSA Healthcare Corpus Christi, Texas

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with PSA Healthcare, Corpus Christi, Texas, and had been in that position for eight (8) years and seven (7) months.
7. On or about September 1, 2015, through September 30, 2015, while employed as a Home Health Nurse with PSA Healthcare, Corpus Christi, Texas, Respondent failed to report possible abuse of Patient J.V., a three (3) year old pediatric patient, when she assessed and documented bruising to the patient of unknown origin for at least a month. The patient was subsequently taken to the hospital and diagnosed with suspected child abuse including bruising to the hymen, genital trauma, and bruising to the patient's body. Respondent's conduct exposed the patient to a risk of continued and/or unknown abuse.
8. On or about September 30, 2015, while employed as a Home Health Nurse with PSA Healthcare, Corpus Christi, Texas, Respondent unnecessarily and improperly utilized fecal disimpaction on the aforementioned Patient J.V., without a valid physician's order and when the patient was not impacted. Additionally, Respondent's finger inappropriately went into the patient's vagina during the procedure. Subsequently, the patient was found to have bruising to the hymen. Respondent's conduct unnecessarily exposed the patient to a risk of infection and caused possible bruising to the patient's vaginal area.
9. On or about September 30, 2015, while employed as a Home Health Nurse with PSA Healthcare, Corpus Christi, Texas, Respondent violated professional boundaries by buying clothes for the aforementioned Patient J.V., when she determined that the patient did not have clothes that properly fit. Respondent's conduct was likely to interfere with the family dynamic of the patient. Boundary violations can cause delayed distress for the patient which may not be recognized or felt by the patient until harmful consequences occur.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she was providing incontinence care to the patient when she noted that there was stool stuck in the patient's anal area. Respondent states that she put on gloves and applied KY Jelly and proceeded to remove the feces utilizing her pinky finger. Respondent states that the patient began to turn on her back which caused Respondent's finger to go into the patient's vaginal area. Respondent states that she informed the patient's mother of the incident and together they assessed the patient. Respondent states that there were no injuries noted to the patient and that the patient did not display any discomfort for the remainder of her shift.

### 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),(1)(D)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C)&(6)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 626908 and Vocational Nurse License Number 110096, heretofore issued to PEGGY SUE MICAN, 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 AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. 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.

- B. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. 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.

## II. COMPLIANCE WITH LAW

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.

## 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 course(s) **within one (1) year of entry of this Order:**

**A Board-approved 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.

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. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)**

SHOULD RESPONDENT desire 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, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Order had the license(s) not been placed in limited status.

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RESPONDENT'S CERTIFICATION

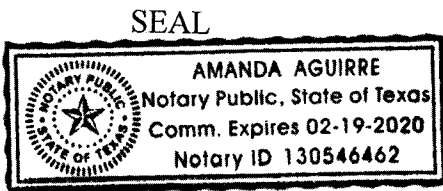
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 13<sup>th</sup> day of April, 2016.

Peggy Sue Mican  
PEGGY SUE MICAN, Respondent

Sworn to and subscribed before me this 13<sup>th</sup> day of April, 2016.

Amanda Aguirre  
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 13<sup>th</sup> day of April, 2016, by PEGGY SUE MICAN, Registered Nurse License Number 626908 and Vocational Nurse License Number 110096, and said Order is final.

Effective this 10<sup>th</sup> day of May, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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