



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 250038 §
issued to BARBARA CONKLING § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BARBARA CONKLING, Registered Nurse License Number 250038, 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)&(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 June 3, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Christian-Harris College, Fort Worth, Texas, on August 1, 1979. Respondent was licensed to practice professional nursing in the State of Texas on April 4, 1980.
5. Respondent's nursing employment history includes:

1980 - 1981	Registered Nurse	Harris Methodist Hospital Fort Worth, Texas
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Respondent's nursing employment history continued:

1981 - 1983	Charge Nurse	St. Joseph Hospital Bryan, Texas
1983 - 1986	Charge Nurse	Hayes Memorial Hospital San Marcos, Texas
1986 - 1986	Staff Nurse	The Methodist Hospital Houston, Texas
1986 - 1997	Unknown	
1997 - 2004	Staff Nurse	Baylor Medical Center Irving, Texas
2004 - 2010	Assistant Director of Nursing	Hurst Plaza Nursing Home Hurst, Texas
2010 - 2013	Registered Nurse	Central Park Endoscopy Bedford, Texas
06/2014 - 07/2015	Registered Nurse	Texas Health Harris Methodist Hospital HEB Bedford, Texas
07/2015 - Present	Unknown	

6. On or about October 6, 2000, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of a FINE by the Board of Nurse Examiners for the State of Texas. Respondent has successfully completed the terms of the Order. A copy of the Findings of Fact, Conclusions of Law, and Order, dated October 6, 2000, is attached and incorporated herein by reference as part of this Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Texas Health Harris Methodist Hospital HEB, Bedford, Texas, and had been in that position for one (1) year.
8. On or about July 5, 2015, while employed as a Registered Nurse with Texas Health Harris Methodist Hospital HEB, Bedford, Texas, Respondent engaged in the intemperate use of Oxycodone, Oxymorphone, and Morphine in that she produced a specimen for a drug screen that resulted positive for Oxycodone, Oxymorphone, and Morphine. Additionally, Respondent admitted to taking pain medication that was not prescribed to her. Unlawful possession of Oxycodone, Oxymorphone, and Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Oxycodone,

Oxymorphone, and Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

9. In response to the incidents in Finding of Fact Number Eight (8), Respondent requested a Limited License based on her Physician's Statement Job Performance Evaluation, dated July 13, 2015, that shows her physician's recommendation of no prolonged sitting, standing, or walking, no push/pulling, no lifting more than 10 pounds, and no bending or stooping. Furthermore, Respondent explains that the various controlled substances listed above relate to metabolites via urine screening. Respondent states that she admitted to taking Percocet, and that should be the only drug listed that she engaged in using. Respondent further states that the statement about possession is superfluous as she is not being accused of possessing any quantity of any controlled substance, and she was not identified as someone who was possessing.
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 or chemical dependency.

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)(B)&(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 250038, heretofore issued to BARBARA CONKLING, 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.*

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.

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 15th day of August, 2016.

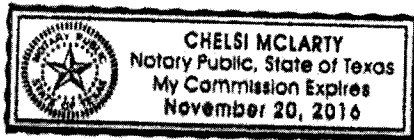
x Barbara Conkling
BARBARA CONKLING, Respondent

Sworn to and subscribed before me this 15th day of August, 2016.

SEAL

Chelsi Mclarty

Notary Public in and for the State of Texas



Approved as to form and substance.

A. Clay Graham
A. Clay Graham, Attorney for Respondent

Signed this 15th day of August, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of August, 2016, by BARBARA CONKLING, Registered Nurse License Number 250038, and said Order is final.

Effective this 13th day of September, 2016.



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

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

In the Matter of License Number 250038 § AGREED
Issued to: BARBARA CONKLING § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BARBARA CONKLING, License Number 250038, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4518, Section 7 and Article 4525(b)(1), TEX. REV. CIV. STAT. ANN., as amended and 22 Texas Administrative Code, §217.15.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent failed to make full and timely compliance with the Board's requirements for continuing education for the period ending April 1998.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, TEX. REV. CIV. STAT. ANN., as amended, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. Evidence received was sufficient to prove violation of Article 4518, Section 7 and 4525(b)(1) TEX. REV. CIV. STAT. ANN., and 22 Texas Administrative Code §217.15(b).
4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Article 4525(b) TEX. REV. CIV. STAT. ANN. to take disciplinary action against License Number 250038, heretofore issued to BARBARA CONKLING, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, that RESPONDENT SHALL receive the sanction of a Fine in the amount of One Hundred Dollars (\$100), and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq., and this Order.

IT IS FURTHER AGREED, that RESPONDENT SHALL submit, with this signed Agreed Order and the fine, documentation of successful completion of three (3.0) Type I contact hours of continuing education. Documentation shall include copies of certificates of program attendance. These contact hours are to be taken in addition to any continuing education requirements the Board may have for relicensure.

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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 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 becomes final and effective when entered by the Executive Director and that 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of October, 2000.

Barbara Conkling
BARBARA CONKLING, Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas ratifies and acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 4th day of October, 2000, by BARBARA CONKLING, License Number 250038, and said Order is final.

Signed this 6th day of October, 2000.

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