



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

In the Matter of  
Permanent Registered Nurse  
License Number 233576  
Issued to SUZANNE ATKINSON,  
Respondent

§ BEFORE THE TEXAS  
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§  
§ BOARD OF NURSING

**ORDER OF TEMPORARY SUSPENSION**

TO: Suzanne Atkinson  
2601 Del Curto #101  
Austin, TX 78704

A public meeting of the Texas Board of Nursing was held on November 14, 2016 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 233576, issued to SUZANNE ATKINSON was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of SUZANNE ATKINSON and whether continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charge is substantiated:

**CHARGE I.**

On or about August 16, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on February 26, 2014. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she was not able to find a position in nursing, failed to submit to a Fitness for Duty Evaluation, did not meet the requirements for submitting monthly reports in a timely manner, missed three (3) urinary drug screen (UDS) selections, and stopped checking in with Recovery Trek for UDS selections. Stipulation Number Three (3) of the Order dated February 26, 2014, states, in pertinent part:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...."

On or about August 16, 2016, Respondent was dismissed from TPAPN and referred back to the Board.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by SUZANNE ATKINSON constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 233576, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 233576, issued to SUZANNE ATKINSON, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 14<sup>th</sup> day of November, 2016.

TEXAS BOARD OF NURSING

BY:   
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

**In the Matter of** § **BEFORE THE TEXAS**  
**Permanent Registered Nurse** §  
**License Number 233576** §  
**Issued to SUZANNE ATKINSON,** §  
**Respondent** § **BOARD OF NURSING**

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SUZANNE ATKINSON, is a Registered Nurse holding License Number 233576, which is in current 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 August 16, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on February 26, 2014. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she was not able to find a position in nursing, failed to submit to a Fitness for Duty Evaluation, did not meet the requirements for submitting monthly reports in a timely manner, missed three (3) urinary drug screen (UDS) selections, and stopped checking in with Recovery Trek for UDS selections. Stipulation Number Three (3) of the Order dated February 26, 2014, states, in pertinent part:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...."

On or about August 16, 2016, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Findings of Fact, Conclusions of Law, and Order dated February 26, 2014, is attached and incorporated as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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

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

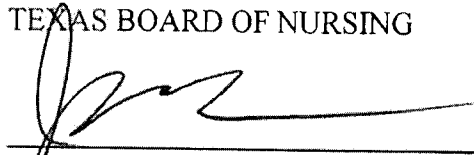
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated February 26, 2014.

Filed this 14<sup>th</sup> day of November, 2016.

TEXAS BOARD OF NURSING



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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

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

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

Jessica Lance, Assistant General Counsel  
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333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
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Attachments: Order of the Board dated February 26, 2014

D(2015.11.18)

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Registered Nurse License Number 233576  
issued to SUZANNE ATKINSON

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§

CONFIDENTIAL AGREED ORDER  
FOR  
PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUZANNE ATKINSON, Registered Nurse License Number 233576, 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) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered under the authority of Section 301.466(d), Texas Occupations Code, and approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 19, 2013.

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 is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate in Nursing from Texas Women's University, Denton, Texas, on May 1, 1975. Respondent was licensed to practice professional nursing in the State of Texas on August 6, 1975.
5. Respondent's professional nursing employment history includes:  

1975 - 1977	RN	Presbyterian Hospital
		Unknown

Respondent's professional nursing employment history continued:

1977 - 1979	RN	Seton Hospital Austin, Texas
1980 - 1986	Psychiatric Nurse	Shoal Creek Hospital Austin, Texas
1986 - 6/1988	Charge Nurse	Charter Lane Hospital Austin, Texas
1988 - 1989	DON	Cottonwood Treatment Center Austin, Texas
1989 - 1994	Charge Nurse	St. David's Pavilion Austin, Texas
1994 - 1995	RN	Mary Lee Rehabilitation Center Austin, Texas
1995 - 1996	Supervisor	Cannon Oaks Rehabilitation Center Austin, Texas
1996 - 1997	Clinical Coordinator	Senior Renewal Austin, Texas
1997 - 2003	Supervisor	Austin State Hospital Austin, Texas
2004 - 2006	Unknown	
2007 - 2008	Supervisor	River Bend Nursing Center Georgetown, Texas
2008 - 2009	Charge Nurse	Community Clinical Research Austin, Texas
2010 - 2/2011	Unknown	
3/2011 - Present	Supervisor	Medstar Nursing Center Austin, Texas

6. On or about October 19, 1985, Respondent was arrested by the Austin Police Department, Austin, Texas, for DRIVING WHILE INTOXICATED, a misdemeanor offense, and UNLAWFUL CARRYING A WEAPON, a misdemeanor offense.

On or about March 28, 1986, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on or about October 19, 1985, in the County Court at Law No. 1, Travis County, Texas, under Cause No. 258666. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years and ordered to pay a fine and court costs. Additionally, on or about March 28, 1986, Respondent admitted her guilt in the unadjudicated offense of UNLAWFUL CARRYING A WEAPON, and as a result, Cause No. 259004 was taken into consideration in the punishment phase of Cause No. 258666.

7. On or about May 11, 2012, Respondent was arrested by the Texas Department of Public Safety Highway Patrol Service, Lee County, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense.

On or about August 20, 2013, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on or about May 11, 2012, in the County Court of Lee County, Texas, under Cause No. 24187. As a result of the conviction, Respondent was sentenced to confinement in the Lee County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.

8. In response to the incident in Finding of Fact Number Six (6), Respondent states that a friend insisted that she carry the gun in her car for protection. Respondent adds that she had no intention of using the gun. Respondent states that she completed her probation and all requirements of the court. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was involved in an accident and was in shock and unsteady due to the collision. Respondent adds that she requested a Breathalyzer and blood drug screen to verify that she did not take alcohol or drugs.

9. On or about October 24, 2013, Respondent underwent a Chemical Dependency Evaluation administered by Jerome R. Schmidt, Ph.D., Psychologist. Based on the evaluation, Dr. Schmidt states that Respondent appears mildly to moderately depressed and presents signs and symptoms of depression that are likely related to her unresolved trauma and current stable childhood. Dr. Schmidt adds that the test results are not indicative of a diagnosis of substance dependence; however, Respondent's history and self-report do indicate the abuse of alcohol and at least one other substance that resulted in her conviction for two DWI's. Dr. Schmidt recommends that Respondent receive supervision from the Texas Peer Assistance Program for Nurses (TPAPN) for a reasonable period of time. It is further recommended that she receive supervision from a woman that is near her age if at all possible. Additionally, Respondent would also benefit from counseling and a medication evaluation for the treatment of a major depressive disorder that is probably related to previous trauma.

10. In response to the above Findings of Fact, the Respondent submitted a written response, which is attached to this Order and incorporated herein for all purposes.



11. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 233576, heretofore issued to SUZANNE ATKINSON, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry

complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 20 day of February, 2014.

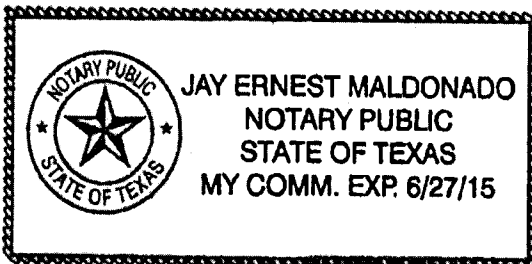
Suzanne Atkinson  
SUZANNE ATKINSON, RESPONDENT

Sworn to and subscribed before me this 20<sup>th</sup> day of February, 2014.

SEAL

Jay Ernest Maldonado

Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 20th day of February, 2014, by SUZANNE ATKINSON, Registered Nurse License Number 233576, and said Order is final.

Entered and effective this 26th day of February, 2014.



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

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 7 day of January, 2014, by SUZANNE ATKINSON, Registered Nurse License Number 233576, and said Order is final.

Entered and effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

I requested to respond, for the record, some points of clarification for self reported statements and facts reported on the arrest record. At the point of the accident I was not taking seven prescribed medications. I did not possess that amount of prescriptions period. I do not think I have ever been on seven prescribed medications at one time, much less had I taken something like that on the day of the accident. The abuse of alcohol did result in one DWI but not two. I had not taken any multiple medication on the day of the accident. I never pled guilty to the charges made. I pled not guilty on the third court date in response to threats and intimidation that if I didn't I would be forced to be put in jail for a year.

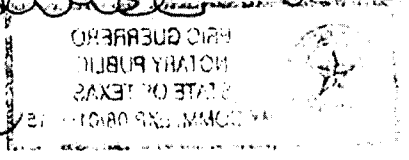
I think those assumptions were made<sup>ed</sup>  
in confusing circumstances. The reason  
that certain medications were in my car  
at all was because I was commuting  
to working in buildings for several days  
at a time. I take Singulair, Advair  
and an albuterol inhaler (prn) on a daily  
basis to control asthma. It is medically  
necessary that I don't skip in my treatment  
hipitor is taken on a daily basis for  
high cholesterol and trazadone at  
night for sleep stabilization (non narcotic)  
The .032 level of ativan was due  
to my being prescribed a very small  
amt. of ativan to occasionally be taken  
(.5 pill) in conjunction with motrin to  
control back spasms. ~~The~~ The other medications  
in my car were prn over the counter (non-  
prescription) such as ibuprofen for pain  
Claritin for allergies, an antacid for occasional  
stomach upset etc. None were new and  
needed to be monitored for unexpected side effects  
The main factor in succumbing to intoxication  
on the third court date, and acceptance  
nolo contendere was that my own lawyer  
tried to convince me that the only way  
to have those medications was to have  
a prescription for them. It doesn't take ~~someone~~  
11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11. 11/11/11.

I do accept accountability for my part in the accident. I have been compliant with all expectations of the court

The part that I have found most problematic is that this worst information has been passed on as truth in every assessment and decision since then. I signed them without comment, then am not repeating the truth and am signing something that is not true.

Perhaps I am naive and all these circumstances are routine to people used to dealing with them.

I have sought advice and clarification with those more knowledgeable than myself to no avail. It seems that I'm not asking the appropriate person for this kind of support.



Thanks, for hearing me out.  
Dyane Allison