



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 A. Thomas*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 607478    §     AGREED  
issued to DIANA CHRISTINE DUKE       §     ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 607478, issued to DIANA CHRISTINE DUKE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 an Associate Degree in Nursing from Houston Community College, Houston, Texas, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1994.

5. Respondent's professional employment history includes:

- |             |   |
|-------------|---|
| 7/94 - 4/95 | Staff Nurse<br>Memorial Southwest Hospital<br>Houston, Texas      |
| 4/95 - 8/99 | Staff Nurse<br>Houston Northeast Medical Center<br>Houston, Texas |
| 9/99 - 2/00 | Staff Nurse<br>The Woman's Hospital of Texas<br>Houston, Texas    |

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Houston Northeast Medical Center, Houston, Texas, and had been in this position for four (4) years and one (1) month.
7. Respondent, on or about May 1999, while employed with Houston Northeast Medical Center, Houston, Texas, misappropriated Demerol, Morphine, Stadol, Seconal, Valium, Sublimaze and Fentanyl from the facility. Respondent's conduct defrauded the facility of the cost of the medication.
8. Respondent, on or about February 2000, while employed with The Woman's Hospital of Texas, Houston, Texas, misappropriated Morphine, Demerol, Fentanyl, Toradol, Lasix, Narcan, Phenergan and Zolofl from the facility. Respondent's conduct defrauded the facility of the cost of the medication.
9. Respondent returned License Number 607478 and submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas.
10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
11. 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 a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(15).
4. The evidence received is sufficient to prove a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(19).
5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 607478, heretofore issued to DIANA CHRISTINE DUKE, including revocation of Respondent's professional license to practice nursing in the State of Texas.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code and 22 TAC 213.26-29, and any amendments thereof in effect at the time of the reinstatement.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 607478, heretofore issued to DIANA CHRISTINE DUKE, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to DIANA CHRISTINE DUKE, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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RESPONDENT'S CERTIFICATION

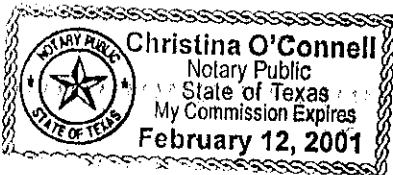
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 30 day of March, 2000.

Diana C Duke  
DIANA CHRISTINE DUKE, Respondent

Sworn to and subscribed before me this 30<sup>th</sup> day of March, 2000

SEAL



Christina O'Connell  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 607478, previously issued to DIANA CHRISTINE DUKE.

Effective this 5th day of April, 2000.



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