



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 453841 §
issued to SUE ELLEN TURLEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUE ELLEN TURLEY, Registered Nurse License Number 453841, 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 February 26, 2018.

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 an Associate Degree in Nursing from Northeast Iowa Technical Institute, Calmar, Iowa, on June 1, 1979. Respondent was licensed to practice professional nursing in the State of Texas on July 25, 1980.
5. Respondent's nursing employment history includes:

06/1979 - 2005 Unknown

Respondent's nursing employment history continued:

2006 - 2008	Registered Nurse	Doctors Hospital Whiterock Lake, Texas
2008 - 2009	Registered Nurse	Presbyterian Hospital Rockwall, Texas
2009 - 2011	Registered Nurse	Baylor Medical Center Dallas, Texas
09/2009 - 01/2014	Registered Nurse	Hickory Trail Hospital DeSoto, Texas
01/2013 - 09/2016	Registered Nurse	Annex Staffing Agency Dallas, Texas
05/2013 - 09/2013	Registered Nurse	Reliant Hospital Dallas, Texas
03/2014 - 06/2015	Registered Nurse	Magnolia Hospice Mesquite, Texas
10/2016 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Magnolia Hospice, and had been in that position for one (1) year and two (2) months.
7. On or about May 29, 2015, while employed as a Registered nurse with Magnolia Hospice, Mesquite, Texas, and on assignment at Brentwood Place, Respondent failed to follow the facility's policy and procedure for the wastage of unused portions of Hydrocodone/Acetaminophen Elixir, Morphine, and Dilaudid. Respondent's conduct left medications unaccounted for, and placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about September 7, 2016, while employed as a Registered Nurse with Annex Care Services, Inc., Dallas, Texas, and on assignment with Crescent Medical Center, Lancaster, Texas, Respondent withdrew Clonidine, Dialudid, and Clonazepam from the Medication Dispensing System for patients but failed to administer the medication as ordered by the physician, or failed to document the administration of the medication in the patients' Medication Administration Record and/or Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's

conduct placed the facility in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about September 7, 2016, while employed as a Registered Nurse with Annex Care Services, Inc., Dallas, Texas, and on assignment with Crescent Medical Center, Lancaster, Texas, Respondent withdrew Clonidine from the Medication Dispensing System for Patient SM in excess dosage/frequency of physician's orders. Respondent's conduct was likely to injure the patient, in that the administration of Clonidine in excess dosage/frequency of physician's orders could result in the patient suffering adverse reactions.
10. On or about September 7, 2016, while employed as a Registered Nurse with Annex Care Services, Inc., Dallas, Texas, and on assignment with Crescent Medical Center, Lancaster, Texas, Respondent failed to complete and/or document Nursing Notes for Patient Medical Record Numbers 10037984, 10037998, and 10038028. Respondent's conduct created an incomplete medical record and was likely to injure the patients in that subsequent care givers would rely on her documentation to further care for the patients.
11. On or about September 7, 2016, while employed as a Registered Nurse with Annex Care Services, Inc., Dallas, Texas, and on assignment with Crescent Medical Center, Lancaster, Texas, Respondent misappropriated Dilaudid, Clonidine, and Clonazepam belonging to the facility of patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the patients and facility of the cost of the medications.
12. On February 14, 2017 and February 27, 2017, Respondent was evaluated by Alexander Howe, Ph.D. Dr. Howe indicates there was no information to support either current abuse or dependence of alcohol or street/illicit/non-prescribed/prescribed medication. Historically, Respondent did present with information to support an unspecified opioid related disorder that is currently in sustained remission. It is proposed that a formal and structured treatment program for her current diagnosis is not indicated or recommended. However, it is proposed that it would be beneficial to consider the following recommendations to ensure patient safety and provide a supportive, structured recovery environment for the Respondent. The recommendations would include her being employed with a stable predictable work environment and that she is fully trained to meet both direct (patient care) and indirect (documentation) requirements of her job responsibilities. It is also recommended that it would be beneficial for her to have a limited period of restricted access to administration and management of controlled substances. Additionally, re-participation for 6-12 months in a community peer support group, such as AA or NA, to reaffirm her awareness and application of "tools" in preventing re-utilization of prescribed and non-prescribed medications to address stress invoking events in her life. As of this date, formal participation in the TPAPN program is not indicated. However, the Respondent should reexamine her current needs, the effectiveness of past tools in coping with past stressors, and consider consultation with a mental health provider.

13. Formal Charges were filed on June 16, 2017.
14. Formal Charges were mailed to Respondent on June 21, 2017.

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)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).
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 453841, heretofore issued to SUE ELLEN TURLEY, 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 **WARNING WITH STIPULATIONS** in accordance with the terms of 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 the effective date of this Order, unless otherwise specifically indicated:**

- A. **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.

- B. A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. 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.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical 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 a nurse have

elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer 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 employer 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III,

RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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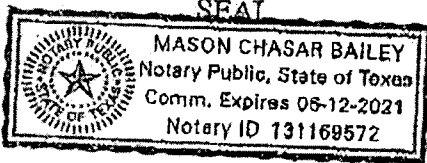
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RESPONDENT'S CERTIFICATION

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 11 day of June, 2018
Sub Ellen Turley
SUB ELLEN TURLEY, Respondent

Sworn to and subscribed before me this 11 day of June, 2018.



Mason Bailey
Notary Public in and for the State of Texas

Approved as to form and substance.

ELIZABETH HIGGINBOTHAM, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of June, 2018, by SUE ELLEN TURLEY, Registered Nurse License Number 453841, and said Order is final.

Effective this 5th day of March, 2019.



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