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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Advanced Practice Registered Nurse License §
Number AP114754 with Prescription §
Authorization Number 6690 §
& Registered Nurse License Number 447447 §
issued to SUSAN JANE LUNDY §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSAN JANE LUNDY, Advanced Practice Registered Nurse License Number AP114754 with Prescription Authorization Number 6690, and Registered Nurse License Number 447447, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 11, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as an Acute Care Adult Nurse Practitioner is in current status with Prescription Authorization Number 6690 in current status.

4. Respondent received an Associate Degree in Nursing from Butler County Community College, El Dorado, Kansas, on May 19, 1978. Respondent completed an Acute Care Adult Nurse Practitioner Program from the University of Texas Medical Branch, Galveston, Texas, on December 16, 2005. Respondent was licensed to practice professional nursing in the State of Texas on March 16, 1979. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Adult Nurse Practitioner on March 3, 2006. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Adult Nurse Practitioner with Prescription Authorization on March 3, 2006.

5. Respondent's nursing employment history includes:

04/1979 – 01/2011	Unknown	
02/2011 – Present	ACANP	Beaumont Health and Wellness Beaumont, Texas

6. On or about August 19, 2013, through June 16, 2017, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent failed to review the prescription monitoring profiles of Patients DH and RG to appropriately monitor the patients for aberrant and/or drug-seeking behavior prior to issuing prescriptions for controlled substances. Respondent's conduct falls below the minimum applicable standard of care.

7. On or about August 19, 2013, through June 16, 2017, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent refilled prescriptions for controlled substances for Patients DH and RG beyond the initial 90 (ninety) days without adequately consulting and/or documenting consultation with a delegating physician prior to the refill. Respondent's conduct falls below the minimum applicable standard of care.

8. On or about August 19, 2013, through January 9, 2017, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent exceeded her scope of practice by treating the bipolar disorder and anxiety disorder of Patient DH. Respondent is not licensed by the Board as a Psychiatric Mental Health Nurse Practitioner and lacks sufficient education and training to treat this patient. Furthermore, Respondent failed to refer the patient to a psychiatrist to be appropriately treated and instead she managed the patient's psychiatric issues with medications, including Seroquel 200mg and Alprazolam 2mg, without consultation with a mental health provider. Respondent's conduct exposed the patient to a risk of harm from psychiatric care provided without sufficient training.

9. On or about August 22, 2013, through June 16, 2017, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent diagnosed Patient RG with an anxiety disorder and treated the patient's disorder with Alprazolam without completing an assessment for anxiety.

Furthermore, Respondent failed to refer the patient to a psychiatrist to be appropriately treated and failed to seek consultation with a mental health provider. Respondent's conduct exposed the patient to a risk of harm from psychiatric care provided without sufficient training.

10. On or about October 21, 2014, through May 16, 2017, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent issued prescriptions for Tylenol 3 to Patients DH and RG for conditions for which the patients should have been referred back to the providers who initially prescribed both patients the Tylenol 3. Respondent's conduct falls below the minimum applicable standard of care.
11. On or about April 17, 2015 and October 27, 2015, while employed as an Acute Care Adult Nurse Practitioner and owner of Beaumont Health and Wellness in Beaumont, Texas, Respondent diagnosed Patient DH with a gonococcal infection without performing a genitourinary exam. Respondent's conduct delayed the onset of medical care and interventions needed to prevent further complications.
12. In response to Finding of Fact Number Six (6) through Eleven (11), Respondent states she never presented herself as having experience in caring for psychiatric diagnosis or being a Psychiatric Nurse Practitioner. Respondent states Patient DH presented to her office stating she had been stable on her medications for over 2 years, but her provider had relocated. Respondent states she agreed to prescribe the patient medications for a short period of time while she found another psychiatric provider in the area. Respondent states the patient was seen by psychiatrists during this period of time and her psychiatric medications adjusted, but they would not treat her anxiety. Respondent states the patient's psychiatrists were aware she was being seen by her intermittently for Alprazolam. Respondent states she reviewed her case with her supervising physician and he did not have any concerns with her continued pharmacological therapy and treatment of anxiety with Alprazolam. Respondent states Patient RG suffered from severe stress, difficulty sleeping and obesity. Respondent intermittently prescribed Acetaminophen with Codeine to Patient RG for pain after surgical repair of her wrist. In regards to the monitoring of aberrant behavior, Respondent states that the clinic's policy requires for patients that request anxiety or pain medications to be subjected to a random urine drug screen and review of their prescription monitoring profile. In addition, all cases are reviewed with the Medical Director when the patient is seen.

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)(M),(1)(N),(1)(P),(1)(Q),(1)(R),(1)(T),(4)(A)&(4)(B) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(E)&(4); 221.12(a); 221.13(a)&(b); 222.4(a); and 222.8(a)&(b).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP114754 with Prescription Authorization Number 6690, and Registered Nurse License Number 447447, heretofore issued to SUSAN JANE LUNDY.
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 **REPRIMAND WITH STIPULATIONS AND FINE** 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **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.
- C. **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 MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the effective date of this Order.

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the

Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the RESPONDENT by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as RESPONDENT who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VII. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed 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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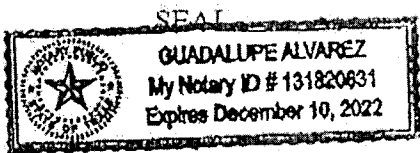
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 terms of this Order, and any conditions of this Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of June, 2019.

Susan Jane Lundy
SUSAN JANE LUNDY, Respondent

Sworn to and subscribed before me this 19th day of June, 2019.



Guadalupe Alvarez
Notary Public in and for the State of Texas

FAXED JUN 19 2019

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of June, 2019, by SUSAN JANE LUNDY, Advanced Practice Registered Nurse License Number AP114754, and Registered Nurse License Number 447447, and said Agreed Order is final.

Effective this 25th day of July, 2019.



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