

**In the Matter of
Permanent Registered Nurse
License Number 782708
Issued to STACEY ANNE MARCUM,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§
§ **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: Stacey Marcum
31101 La Quinta Dr
Georgetown, TX 78628

A public meeting of the Texas Board of Nursing was held on December 23, 2019 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 782708, issued to STACEY ANNE MARCUM 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 STACEY ANNE MARCUM and whether her 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 charges are substantiated:

On or about August 26, 2019, Respondent failed to comply with the Agreed Order issued to Respondent on July 11, 2019, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Section I, Peer Assistance Program Requirements Subsections (A) of the Agreed Order which reads, in pertinent part:

- A. Within forty-five (45) days following the date of entry of this Order,
RESPONDENT SHALL apply to TPAPN;

Respondent failed to apply or make contact with the Texas Peer Assistance Program for Nurses.

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 STACEY ANNE

MARCUM constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 782708, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 782708, issued to STACEY ANNE MARCUM, 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 61st day following the date of the entry of this order.

Entered this 23rd day of December, 2019.

TEXAS BOARD OF NURSING

BY:

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

**In the Matter of
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License Number 782708
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FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STACEY ANNE MARCUM, is a Registered Nurse holding license number 782708 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 26, 2019, Respondent failed to comply with the Agreed Order issued to Respondent on July 11, 2019, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Section I, Peer Assistance Program Requirements Subsections (A) of the Agreed Order which reads, in pertinent part:

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;

Respondent failed to apply or make contact with the Texas Peer Assistance Program for Nurses.

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(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) and/or privilege(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.

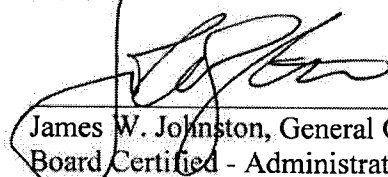
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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.

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(s) of the Board dated July 11, 2019.

Filed this 23rd day of December 2019.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
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Attachment(s): Order(s) of the Board dated July 11, 2019.

D(2019.10.29)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 782708	§	AGREED ORDER
issued to STACEY ANNE MARCUM	§	FOR
	§	PEER ASSISTANCE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STACEY ANNE MARCUM, Registered Nurse License Number 782708, 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)&(12), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 6, 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 Confidential Agreed Order for Peer Assistance.
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 College of St Scholastica, Duluth, Minnesota, on December 19, 2009. Respondent was licensed to practice professional nursing in the State of Texas on March 16, 2010.
5. Respondent's nursing employment history includes:

3/2010 – 07/2010

Unknown

Respondent's nursing employment history continued:

08/2010 – 12/2012	RN	Austin Heart Georgetown, Texas
01/2012 – 08/2017	RN	Georgetown Pulmonary Associates Georgetown, Texas
09/2017 – Present	RN	Advanced Pain Care Round Rock, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Georgetown Pulmonary Associates, Georgetown, Texas, and had been in that position for approximately five (5) years and three (3) months.
7. On or about April 2017 through July 2017, while employed with Georgetown Pulmonary Associates, Georgetown, Texas, Respondent lacked fitness to practice professional nursing, in that she exhibited unusual behavior on multiple occasions, was withdrawn, and admitted to increased drinking at home due to personal and professional stressors. Additionally, a month after starting an outpatient detoxification program, Respondent's behavior became erratic again with nonsensical speech, and she stated she had "fallen off the wagon," stopped attending Alcoholics Anonymous (AA) meetings, and had been drinking in the evening in a "controlled fashion." Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states the stress in her life was not exclusive to her job, as she had been having issues with her oldest stepdaughter and their family businesses were struggling financially. During this several month time period, she admits increasing her alcohol intake, which occurred in her home in the evening. She did not go to work impaired, nor did she consume alcohol during work hours. In April 2017, she had a conversation with Dr. deKeraty and Dr. Fields. Dr. deKeraty did relay he felt she hadn't been her usual happy self and seemed a bit withdrawn. She spoke to them about her increased drinking at home and relayed some of her issues. During that meeting, they recommended she see her family doctor and Alcoholics Anonymous. She attended a few meetings a week for several weeks. She stopped attending meetings as they did not feel right. She did begin to drink wine again in the evenings and on weekends, but not quite in the amount as previously. She did have a second conversation with her employers and did admit to drinking again. She was very emotional and was having a high level of anxiety in both her personal and professional lives. On July 19th, she again met with the doctors, at which time they asked her to take a leave of absence to address her

issues with alcohol use. She scheduled an appointment with Rock Springs Behavioral Health Hospital on July 24th and began the program the next day. It was an intensive outpatient therapy.

9. On November 27, 2017, Respondent was evaluated by Dr. Kaitlan Gibbons through the Texas Peer Assistance Program for Nurses (TPAPN). Dr. Gibbons recommended Respondent be monitored at the mild level by the substance disorder track with TPAPN, which should include regular drug screens. As she recently completed an intensive outpatient therapy treatment program, no additional therapy is recommended.
10. Respondent states July 19, 2017 as her sobriety date.
11. 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 301.451-301.555, 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 §217.12 (1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b) (10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 782708, heretofore issued to STACEY ANNE MARCUM.
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.
6. 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.

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TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

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):

- A. Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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 Confidential Agreed Order for Peer Assistance.

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

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.

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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Confidential Agreed Order for Peer Assistance, 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.

V. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully 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.

VI. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, 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. 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 entry of this Order and all conditions of said 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 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 3 day of June, 2019.

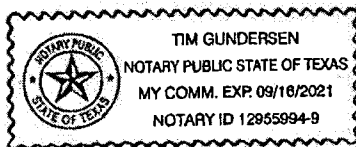
Stacey Anne Marcum
STACEY ANNE MARCUM, Respondent

Sworn to and subscribed before me this 3 day of June, 2019.

SEAL

Tim Gundersen

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 ratify and adopt the Confidential Agreed Order for Peer Assistance that was signed on the 3rd day of June, 20 19, by STACEY ANNE MARCUM, Registered Nurse License Number 782708, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 11th day of July, 20 19.



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