



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 ORDER
DIANA CHRISTINE DANIEL,	§	FOR
Registered Nurse License Number 607478	§	DISCIPLINE &
& PETITIONER for Eligibility for Licensure	§	ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 607478 and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §221.4(a)(7), and supporting documents filed by DIANA CHRISTINE DANIEL, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a), together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 11, 2020.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order.

3. Petitioner received an Associate Degree in Nursing from Houston Community College, Houston, Texas, on May 15, 1994. Petitioner was licensed to practice professional nursing in the State of Texas on July 15, 1994. Petitioner has completed a Family Nurse Practitioner Program at South University, Savannah, Georgia, on January 16, 2019.
4. On or about July 10, 2019, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
5. Petitioner's license to practice professional nursing in the State of Texas is in current status.
6. Petitioner's nursing employment history includes:

07/94 – 03/95	Unknown	
04/95 – 07/99	RN	Houston Northwest Medical Center Houston, Texas
08/99 – 02/00	RN	Woman's Hospital of Texas Houston, Texas
03/00 – 08/03		Not employed in nursing
09/03 – 04/06	RN Case Manager	Brenham State Supported Living Center, Brenham, Texas
05/06 – 05/09	Staff RN	Trinity Medical Center Brenham, Texas
06/09 – 06/09	Unknown	
07/09 – 01/10	Staff RN	Memorial Hermann - The Woodlands, Shenandoah, Texas
02/10 – 10/10	Unknown	
11/10 – 02/18	Case Manager	Brenham State Supported Living Center, Brenham, Texas
02/18 – 06/18	RN	Brenham State Supported Living Center, Brenham, Texas
08/19 – 02/20	L&D Staff Nurse	St. Joseph Medical Center Houston, Texas

7. On or about April 5, 2000, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the April 5, 2000, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about September 10, 2002, Petitioner's license to practice nursing in the State of Texas was Reinstated through an Order of the Board. On or about November 16, 2006, Petitioner successfully completed the terms of the Order. A copy of the September 10, 2002, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. At the time of the initial incident, Petitioner was employed as a Registered Nurse (RN) with Brenham State Supported Living Center, Brenham, Texas, and had been in that position for less than one (1) month.
10. On or about February 28, 2018, while employed as a Registered Nurse (RN) with Brenham State Supported Living Center, Brenham, Texas, Petitioner documented administration of Levothyroxine and Loratadine to Patient Number 0006-88365. The medications were scheduled for morning administration and had been appropriately administered by the morning shift. Petitioner failed to amend the documentation to reflect the medications were not actually administered and the initial entry was made by mistake. Petitioner's conduct created an incomplete medical record and was likely to injure the residents in that subsequent care givers would not have complete information to base their decisions for further care.
11. On or about March 4, 2018, while employed as a Registered Nurse (RN) with Brenham State Supported Living Center, Brenham, Texas, Petitioner mistakenly documented that she administered Lacosamide to Patient Number 0006-88708 at 1900 but Petitioner did not sign out the medication from the Controlled Substance Administration Record (CSAR), indicating it was not actually pulled for administration. Petitioner's conduct created an incomplete medical record and was likely to injure the residents in that subsequent care givers would not have complete information to base their decisions for further care.
12. On or about April 1, 2018, while employed as a Registered Nurse (RN) with Brenham State Supported Living Center, Brenham, Texas, Petitioner failed to completely and accurately document the source of Clobazam, which she administered to Patient Number 2000-00881 at 8:00 pm, in the medication administration record (MAR). Petitioner's conduct created incomplete medical records and was likely to injure residents in that subsequent care givers would not have complete information to base their decisions for further care.
13. In response to Findings of Fact Number Ten (10), Respondent states that she immediately realized her error and notified her supervisor, who told her that there was no way to correct the MAR documentation. In response to Findings of Fact Numbers Eleven (11) through Twelve (12), Respondent states that she made inadvertent documentation errors which resulted from her severely limited orientation of only 4 days. Formal Charges were filed on July 17, 2019.

14. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
16. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
17. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about July 10, 2019, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a).
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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (1)(C),(4).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

8. 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. ELIGIBILITY FOR LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL receive the sanction of **REMEDIAL EDUCATION WITH FINE** and the PETITION for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas in accordance with the terms of this Order, and:

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license to practice as a registered nurse will be designated "single state" and PETITIONER 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, PETITIONER 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. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER 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 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 PETITIONER 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), PETITIONER 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. PETITIONER 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. MONETARY FINE

PETITIONER SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) 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.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) and/or privilege(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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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CERTIFICATION

I am the Petitioner in this matter with regards to the eligibility of my APRN application as addressed in this order. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

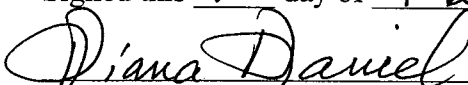
In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

I am the Respondent in this matter with regards to the allegations against my RN license. I understand that I have the right to legal counsel prior to signing this 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 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 11 day of March, 2020



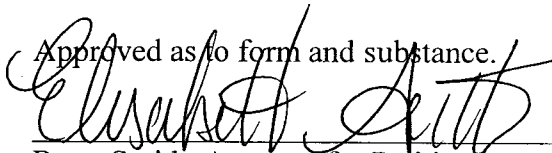
DIANA CHRISTINE DANIEL, PETITIONER

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.



Betty Smith, Attorney for Petitioner

Signed this 11th day of March, 2020.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of March, 2020, by DIANA CHRISTINE DANIEL, Registered Nurse License Number 607478 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 11th day of March, 2020.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

On this day came to be considered by the Board of Nurse Examiners for the State Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 607478, held by DIANA CHRISTINE DANIEL, hereinafter referred to as Petitioner.

An informal conference was held on July 9, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Phyllis Caves Rawley, CPC, Board Member; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Jeanne Nguyen, Administrative Technician.

FINDINGS OF FACT

- 1 Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
- 2 Petitioner received an Associate Degree in Nursing from Houston Community College, Houston, Texas, in May 1994. Petitioner was licensed to practice professional nursing in the State of Texas on July 15, 1994.
3. Petitioner's professional employment history included:

 7/94 - 4/95 Staff Nurse
 Memorial Southwest Hospital, Houston, Texas

 4/95 - 8/99 Staff Nurse
 Houston Northeast Medical Center, Houston, Texas

Petitioner's professional employment history continued:

9/99 - 2/00 Staff Nurse
 The Woman's Hospital of Texas, Houston, Texas

3/00 - present Teacher's Aide
 Hancock Elementary School, Houston, Texas

4 The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas on April 5, 2000. A copy of the Findings of Fact, Conclusion of Law, and Order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this Order.

5 On or about March 26, 2002, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.

6 Petitioner presented the following in support of her petition:

6.1. Copy of letter dated February 8, 2002, signed by Willie Dickerson, Community Supervision Officer, North Region, Harris County Community Supervision and Corrections Department, Houston, Texas. On December 13, 2000, Petitioner was placed on a five (5) year Community Supervision for the felony offense of "Possession of Controlled Substances." Mr. Dickerson states that he has supervised Petitioner since June 5, 2001. Petitioner has not committed any new offenses and all drug screens have been negative. Petitioner completed all the community service hours ahead of deadline and completed the Texas Drug Offender Education Program on April 6, 2001. A copy of the Conditions of Community Supervision are attached.

6.2 Letter dated March 7, 2002, submitted by Richard L. Noel, MD, Alternative Services Network, Houston, Texas. Dr. Noel states that Petitioner has been a patient under his supervision since June 1, 1999. Petitioner's primary diagnosis is major depressive disorder. Petitioner continued outpatient treatment and has followed treatment recommendations. "Ms. Daniel (Duke) has appeared to be drug free since the time I initially starting treating her in June 1999; the only exception has been when she attempted suicide in 2000 by use of narcotic agents. She has not demonstrated any other current symptoms of drug dependence."

6.3 Letter of support dated January 16, 2002, submitted by Gayle Gerlich, Principal, Hancock Elementary School, Houston, Texas. Ms. Gerlich states that she has had the opportunity to supervise Petitioner for two (2) years during her employment as a special education teacher's aide at Hancock Elementary School. Petitioner has been employed in the Cypress-Fairbanks Independent School District for four (4)

years. Petitioner is a team player, kind, sincere, a conscientious worker and consistently meets her job requirements. Ms. Gerlich recommends that Petitioner be considered for reinstatement of her license.

- 6.4 Letter of recommendation dated February 19, 2002, submitted by Erinn Marlar, Hancock Elementary School, Houston, Texas. Ms. Marlar states that she has known Petitioner for approximately two (2) years, while working with her at Hancock Elementary School. Petitioner's work habits, morale, professionalism, and overall performance has been exemplary.
- 6.5 Letter dated January 29, 2002, submitted by Jennifer L. Parrott, Hancock Elementary School, Houston, Texas. Ms. Parrott states that Petitioner has worked in her classroom as a paraprofessional for a few months. Petitioner is compassionate, helpful with students and works diligently. She offers advice and constructive criticism when needed. Petitioner is always pleasant, well prepared, and responsive in the work environment. She is reliable and mature in the classroom and with other educators.
- 6.6 Letter of recommendation dated January 28, 2002, submitted by Walynn McFarland, second grade teacher at Hancock Elementary School, Houston, Texas. Ms. McFarland states that she has known Petitioner for two (2) years while Petitioner was an aide in her classroom. Petitioner is a very conscientious, caring person and the children love to work with her.
- 6.7 Letter dated February 12, 2002, submitted by John Ma, MD, Family Practice, Kelsey-Seybold Clinic, The Woodlands, Texas. Dr. Ma verified that Petitioner was seen for a physical examination on January 21, 2002, and appears in good health.
- 6.8 Copies of Petitioner's Professional and Paraprofessional Evaluations dated April 2, 2002, and May 7, 2002.
- 6.9 Copy of Petitioner's Discharge Summary from Cypress Creek Hospital, Houston, Texas, dated June 1999.
- 6.10 Verification of attendance at support group meetings from February 2000 through March 18, 2002.
- 6.11 Verification of successful completion of twenty (20) hours Type I Continuing Education as required by the Board.

CONCLUSIONS OF LAW

- 1 Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- 2 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.
- 3 Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of DIANA CHRISTINE DANIEL, license number 607478, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board with the appropriate notation.

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6)

contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DOES NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE, OR WHERE DIRECT PATIENT CARE IS NOT PROVIDED, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) PETITIONER SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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 within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(5) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(8) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(9) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(10) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(11) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the

office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(12) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation/probation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(13) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation, or until PETITIONER is dismissed from therapy.

(14) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(15) PETITIONER SHALL CAUSE probation officer to submit written reports on forms provided to the PETITIONER by the Board. The reports shall indicate the PETITIONER's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until PETITIONER is released from probation.

(16) SHOULD PETITIONER be convicted of offenses as outlined in Finding of Fact Number Six (6), conviction will result in further disciplinary action including revocation of PETITIONER's license to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,
PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the
State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

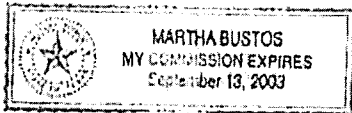
Signed this 23rd day of July, 2002.

Diana Christine Daniel
DIANA CHRISTINE DANIEL, Petitioner

Sworn to and subscribed before me this 23rd day of July, 2002.


SEAL

Martha Bustos
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 23rd day of July, 2002, by DIANA CHRISTINE DANIEL, license number 607478, and said Order is final.

Effective this 10th day of September, 2002.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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 Memorial Southwest Hospital Houston, Texas
4/95 - 8/99	Staff Nurse Houston Northeast Medical Center Houston, Texas
9/99 - 2/00	Staff Nurse The Woman's Hospital of Texas 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 Zoloff 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

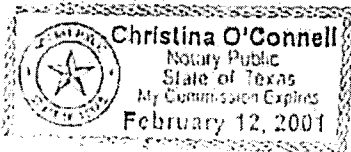
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 30th day of March, 2000.

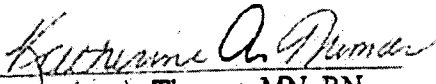
SEAL



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, MN, RN
Executive Director on behalf
of said Board