



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § REINSTATEMENT
License Number 518234 §
issued to CAROL R. MCDUFF § AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of CAROL R. MCDUFF, Registered Nurse License Number 518234, hereinafter referred to as Petitioner.

An informal conference was held on December 27, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the 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 Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Diane E. Burell, Investigator.

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 representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from Patty Hanks Shelton School of Nursing, Abilene, Texas, on May 1, 1984. Petitioner was licensed to practice professional nursing in the State of Texas on August 24, 1984.

4. Petitioner's professional nursing employment history includes:

1984 - 1985	Staff/Charge Nurse ICU/CCU	Presbyterian Hospital Oklahoma City, Oklahoma
1985 - 1988	Staff/Charge Nurse ICU/CCU	Providence Hospital Anchorage, Alaska
1988 - 1989	Staff Nurse ICU	St. David's Community Hospital Austin, Texas
1989 - 1990	Staff Nurse	IVY Pharmacy I.V. Home Care Agency Anchorage, Alaska
1990 - 1991	Field Nurse	Mediplex Home Health Care Abilene, Texas
1992 - 1993	Staff Nurse	Pro-Med Emergency Clinic Austin, Texas
1993 - 1996	Case Manager/Visiting Nurse	Lifeway Home Health Care Austin, Texas
1996 - 1997	Contract Nurse	Nursefinders, Inc. Austin, Texas
1997 - 1998	RN Clinical Coordinator	National Qualicare Inc. Austin, Texas
1998 - 8/02	Staff/Charge Nurse	St. David's South Austin Hospital Austin, Texas
8/02 - 8/06	Staff/Charge Nurse	Hendricks Medical Center Abilene, Texas
8/06 - 6/08	Agency Nurse	Reliable Nursing Agency Midland/Odessa, Texas
7/08 - 12/08	Unknown	

Petitioner's nursing employment history continued:

1/09 - 3/09	Agency Nurse	Reliable Nursing Agency Midland/Odessa, Texas
2/09 - 4/09	Staff/Charge Nurse	Texas Ragdoll Nursing Big Spring, Texas
4/09 - 8/09	Staff Nurse ICU	Scenic Mountain Medical Center Big Spring, Texas
9/09 - present	Not employed in nursing	

5. On February 16, 2010, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the February 16, 2010, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about October 12, 2011, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Order of Discharge, dated January 20, 2011, under Cause #CR34944 from the 238th District Court of Midland County, Texas.
 - 7.2. Letter, dated April 28, 2011, from R. Scott Brown, Psy.D., states Petitioner was seen for an evaluation on March 22, 2011. Petitioner was given a diagnosis of Bipolar Disorder I, and her last manic or depressive episode occurred in 2009. Petitioner reported to have been followed through the local MHMR since that time with no further problems. Petitioner appears to possess the cognitive abilities to return to employment in the nursing field. She has reportedly maintained emotional stability for the past two (2) years, and desires to be able to use her nursing education for employment. A condition of her return to the nursing field should be regular medication check-ups to allow for ongoing assessment of her mood quality as well as the efficacy of medication.
 - 7.3. Letter of support, dated July 31, 2011, from Rev. Robert A. Lotzer, Covenant Presbyterian Church, Abilene, Texas, states he has known Petitioner for about six (6) years, but that has been limited to about 3 to 4 times a year when she has visited the morning worship service. Many years ago when Petitioner was employed as a nurse at Hendrick Hospital in Abilene, Rev. Lotzer remembers her friendliness and concern for a patient he was visiting. She seemed to know just what was needed and handled

herself professionally and helped the patient quickly, yet thoroughly. From that experience, Rev. Lotzer can say Petitioner impressed him as one of the many wonderful and caring nurses he has met during his pastoral hospital visits over the years.

- 7.4. Letter of support, dated June 9, 2011, from David and Martha Klitzke, Cheyenne, Wyoming, states they have known Petitioner for twenty-four (24) years. They have kept in contact and have seen Petitioner when they have visited the places she has lived in Montana and Texas.
- 7.5. Letter of support, dated February 25, 2011, from Hope Anderson, states she has known Petitioner for five (5) years through church. Petitioner is a very pleasant person, open, intelligent and dedicated to her work as a nurse. Ms. Anderson finds Petitioner is a caring and very loving individual who is an asset to the nursing field.
- 7.6. Letter of support, dated January 30, 2011, from Lawrence G. Hardwicke, MD, states he has known Petitioner for several years. Petitioner is under the care of a psychiatrist who has her on medication which seems to have her problems under good control. Petitioner tells Dr. Hardwicke that she is taking her medication regularly. Prior to his retirement, Dr. Hardwicke had several patients who were cared for by Petitioner. He found her to be a kind and able care giver with these patients.
- 7.7. Letter of support, dated February 7, 2011, from Shari Freeman, Betty Hardwick Center, states Petitioner has been working with an Employment Consultant in Supported Employment Job Link program services with the Betty Hardwick Center since 2008 to find employment. Job Link provides training on employment skills, medication compliance and symptom management techniques to maintain employment. Ms. Freeman has met with Petitioner monthly since 2008, and she has been compliant with the Job Link program. Petitioner has shown continual progress during this time.
- 7.8. Letter of support, dated January 31, 2011, from Bridgette Hester, Betty Hardwick Center, states she has been Petitioner's case manager since October 2010. Ms. Hester's observance of Petitioner has been compliance with medication and other program activities. Ms. Hester has visited with Petitioner on a weekly basis and she recommends that she be allowed to return to her nursing practice. She also recommends that Petitioner continue of her current medications which include Tegretol XR 400 milligrams twice daily, and Venlafaxine ER 150 milligrams. Petitioner has been currently taking medications since her discharge from Big Spring State Hospital. Petitioner is actively seeking employment opportunities and continues to do so. Petitioner has been a joy to work with and shown immense progress during her time with Ms. Hester as her case manager.

- 7.9. Letter of support from Jennifer Angrove states she was Petitioner's prior case manager and she was compliant with her and their services at The Betty Hardwick Center. Petitioner participated in activities and met with her on a weekly basis. She was compliant with her medications and did not show any problems in this area.
 - 7.10. Letter, dated March 15, 2011, from Dwight Linton, Director of Human Resources, Scenic Mountain Medical Center, Big Spring, Texas, states Petitioner was hired on March 23, 2009, as a Registered Nurse for the ICU. Petitioner applied and received an approved Personal Leave of Absence (PLOA) on August 1, 2009. Upon exhaustion of her PLOA, Petitioner was still unable to return to work and subsequently termed effective December 21, 2009. As a Registered Nurse in the ICU, Petitioner met the qualifications and performance standards of the unit.
 - 7.11. Letter of support, dated January 20, 2011, from Tammy Smith, Reliable Nursing Services, Inc., Odessa, Texas, states Petitioner was employed with Reliable Nursing Services beginning August 24, 2006, as a Registered Nurse. During her time of employment, she was under contract at several major hospitals. The longest contract was at Midland Memorial Hospital. Her thirteen (13) week contract was renewed many times. Petitioner worked in the telemetry unit but would sometimes float to ICU if there was a need. Petitioner has had several performance reviews. All will attest to her knowledge and excellent nursing skills.
 - 7.12. Verification of successful completion of at least twenty (20) Continuing Education Contact Hours.
8. Petitioner'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. 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.
3. 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 Texas Board of Nursing, that the petition of CAROL R. MCDUFF, Registered Nurse License Number 518234, to practice 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to CAROL R. MCDUFF, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days of relicensure, apply to TPAPN which SHALL, within ninety (90) days following relicensure, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(4) PETITIONER SHALL comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER'S license and nurse licensure compact privileges, if any, to practice 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 waive representation by counsel. 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 do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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(s) to practice 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

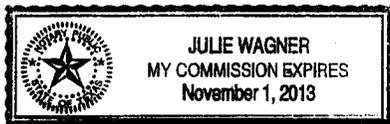
Signed this 17th day of Jan, 2012.

Carol R. McDuff
CAROL R. MCDUFF, Petitioner

Sworn to and subscribed before me this 17th day of Jan, 2012.

SEAL

Julie Wagner
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of January, 2012, by CAROL R. MCDUFF, Registered Nurse License Number 518234, and said Order is final.



Entered and effective this 3rd day of February, 2012.

Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 518234 §
issued to CAROL R. MCDUFF § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 518234, issued to CAROL R. MCDUFF, 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 proceedings, notice 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, informal proceedings, 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 a Baccalaureate Degree in Nursing from Patty Hanks Shelton School of Nursing, Abilene, Texas, on May 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas in August 24, 1984.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about January 8, 2009, Respondent entered a plea of "Guilty" to UNAUTHORIZED USE OF VEHICLE (a State Jail Felony offense committed on October 13, 2008), in the 238th District Court, Midland, Texas, under Cause No. CR34944. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.
7. On or about August 2009, while employed as a Registered Nurse at Scenic Mountain Medical Center, Big Spring, Texas, Respondent lacked fitness to practice professional nursing in that she was admitted to the Texas State Psychiatric Hospital, Big Spring, Texas. 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. On or about September 2009, while employed as a Registered Nurse at Scenic Mountain Medical Center, Big Spring, Texas, Respondent lacked fitness to practice professional nursing in that she accused Scenic Mountain Medical Center of causing her to lose her baby and said she was going to "get back at the hospital" for the loss of the child, when she was not pregnant. 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.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

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 violations of Section 301.452(b)(3),(10)&(12) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 518234, heretofore issued to CAROL R. MCDUFF, including revocation of Respondent's license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §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 Registered License Number 518234, heretofore issued to CAROL R. MCDUFF, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to CAROL R. MCDUFF, to the office of the Texas Board of Nursing.
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.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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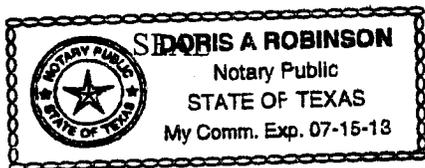
RESPONDENT'S CERTIFICATION

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 27 day of January, 2010.

Carol R. McDuff
CAROL R. MCDUFF, Respondent

Sworn to and subscribed before me this 27 day of January, 2010.



Doris A. Robinson
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 accept the voluntary surrender of Registered Nurse License Number 518234, previously issued to CAROL R. MCDUFF.

Effective this 16th day of February, 2010.



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

