IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
REGISTERED NURSE LICENSE NUMBER 240665	§	AND DISCIPLINARY
AND VOCATIONAL NURSE LICENSE NUMBER 68405	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
DEBORAH L. DUKE	§	BOARD OF NURSING

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.
Executive Director of the Board

ORDER OF THE BOARD

TO: Deborah L. Duke
12515 Limber Pine Pl
Cypress, TX 77429

During open meeting held in Austin, Texas, on May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional and vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Registered Nurse License Number 240665 and Vocational Nurse License Number 68405, previously issued to DEBORAH L. DUKE, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed .

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Deborah L. Duke
12515 Limber Pine Pl
Cypress, TX 77429

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Registered Nurse License Number 240665 and Vocational Nurse License Number 68405, Issued to DEBORAH L. DUKE, Respondent	§ § § §	**BEFORE THE TEXAS** **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DEBORAH L. DUKE, is a Vocational Nurse holding license number 68405, which is in delinquent status and Registered Nurse License Number 240665, 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 December 23, 2008, while employed with the office of Kim D. Keller, M.D., P.A., Cypress, Texas, Respondent misappropriated Dr. Keller's prescription pad subsequent to her termination. Additionally, Respondent failed to return the prescription pad despite numerous requests by Dr. Keller's office until December 29, 2008. Respondent's conduct was a violation of Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G) & (11)(B).

CHARGE II.

On or about August 3, 2009, while employed with HCA West Houston Hospital Shared Services, Houston, Texas, Respondent accepted a nursing assignment when Respondent may have lacked fitness to practice nursing in that Respondent appeared to be working "under the influence' as observed through impaired performance, delayed reaction to questions, and difficulty maintaining a conversation. Respondent's condition may have prevented her from delivering safe nursing care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E) & (5).

CHARGE III.

On or about August 3, 2009, while employed with HCA West Houston Hospital Shared Services, Houston, Texas, Respondent engaged in the intemperate use of amphetamines and alcohol in that Respondent produced a specimen for a drug screen which resulted positive for amphetamines > 5000 and a blood alcohol level of .18. Unlawful possession of amphetamines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of amphetamines and alcohol by a Registered Nurse or Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signed, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D).

CHARGE IV.

Respondent may lack fitness to safely practice nursing in that on December 14, 2010, Respondent underwent chemical dependency evaluation conducted by John Lehman, Ph.D, who opines that Respondent has an alcohol dependency that is untreated and states that Respondent has significant denial that she has problems. Additionally, Dr. Lehman concludes that he does not believe that Respondent is safe to practice until she has completed treatment and recommends that Respondent be referred to the Texas Peer Assistance Program for Nurses (TPAPN) and be required to undergo treatment and be monitored by TPAPN for three (3) to five (5) years. Respondent's condition may prevent her from delivering safe nursing care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 1st day of March, 2011.

TEXAS BOARD OF NURSING

Nikki Hopkins

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

D/2010.12.28