

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 Registered Nurse § AGREED
License Number 651998 §
issued to NANCY DIEHL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of NANCY DIEHL, Registered Nurse License Number 651998, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 18, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 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 Texas Woman's University, Denton, Texas, on May 1, 1998; and received a Master's Degree in Nursing from the Acute Care Adult Nurse Practitioner Program with The University of Texas (UT) at Arlington, Arlington, Texas, on August 20, 2002. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 1998; became Board recognized as an Acute Care Adult Nurse Practitioner in the State of Texas on November 19, 2002; and became Board recognized with Prescriptive Authorization as an Acute Care Adult Nurse Practitioner in the State of Texas on May 20, 2004.

5. Respondent's professional nursing employment history includes:

6/98 - 7/98	Unknown	
8/98 - 5/04	Staff Nurse Intensive Care Units	Parkland Memorial Hospital Dallas, Texas
5/04 - 6/05	Nurse Practitioner	Cardiology and Vascular Associates Dallas, Texas
7/05 - 12/08	Nurse Practitioner	UT Southwestern University Hospital Dallas, Texas
1/09 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as an Acute Care Adult Nurse Practitioner with UT Southwestern University Hospital, Dallas, Texas, and had been in this position for two (2) years and nine (9) months.
7. On or about April 1, 2008, through November 16, 2008, Respondent continued to practice as an Acute Care Adult Nurse Practitioner with UT Southwestern Hospital, Dallas, Texas, without maintaining certification in her advanced practice area from a nationally credentialed certifying body, as required to maintain continued authorization for advanced practice. Respondent's conduct misled patients, staff and the public into believing that her nursing practice was in compliance with all Board Rules and Regulations.
8. On or about November 17, 2008, Respondent mistakenly indicated while renewing her nursing license and advanced practice authorization that she met all requirements for licensure and advanced practice renewal, including that she had maintained certification as an Acute Care Adult Nurse Practitioner, as required. Respondent's certification expired on March 31, 2008, and she did not receive re-certification until November 24, 2008. Respondent's conduct may have effected the Board's decision regarding renewal of her license to practice nursing with advanced practice authorization.
9. In response to the incidents in Findings of Facts Numbers Seven (7) and Eight (8), Respondent states that on February 10, 2008, she sent her Acute Care Nurse Practitioner (ACNP) re-certification packet to American Nurses Credentialing Center (ANCC) with a money order. Approximately one (1) week later, Respondent states that she called the ANCC to verify that her application had been received. Respondent explains that she was told if there was a problem, need for clarification, or further information, that she would be notified. Respondent goes on to explain that within a month, she received a packet from the ANCC which included documentation stating that new credentials "would provide more recognition to the public of the role and population focus of both the NP and CNS." Respondent states that she was assigned a new ANCC number and she thought that this was verification of her renewal. Additionally, Respondent states that her incorrect information on her November 2008 renewal was "definitely unintentional." Respondent adds that she contacted the Board prior to her renewal and was informed to "await further instructions by mail."

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(4)(A) and 221.8(a)(1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 651998, heretofore issued to NANCY DIEHL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply 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 this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board

approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT 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 RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty five (45) days of entry 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 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 when this Order becomes final and the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

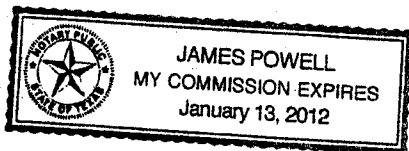
Signed this 31 day of 12, 2010.

Nancy Diehl
NANCY DIEHL, Respondent

Sworn to and subscribed before me this 31 day of DECEMBER, 2010.

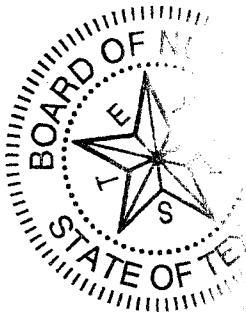
SEAL

James Powell
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 Agreed Order that was signed on the 31st day of December, 2010, by NANCY DIEHL, Registered Nurse License Number 651998, and said Order is final.

Effective this 4th day of January, 2011.





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