



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 550171 §
issued to SUE ANN SEEMANN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUE ANN SEEMANN, Registered Nurse License Number 550171, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 2, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived 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 Arizona State University, Tempe, Arizona, in May 1974, and received a Master's Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, in 1994. Respondent was licensed to practice professional nursing in the State of Texas on January 10, 1989.
5. Respondent's nursing employment history includes:

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|-------------|----------------------|---|
| 1975 - 1984 | Staff & Charge Nurse | Naval Regional Medical Centers San Diego, California Camp Pendleton, California Long Beach, California |
|-------------|----------------------|---|

Respondent's nursing employment history continued:

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|------------------|--|---|
| 1984 - 1987 | Research Oncology Nurse Coordinator | University of California Irvine and Anisa Medical Corporation Irvine & Indio, California |
| 1988 | Unknown | |
| 1989 - 1995 | Staff Nurse and Nurse Manager | The University of Texas MD Anderson Cancer Center Houston, Texas |
| 1996 - 1998 | Program Director | Seton Medical Center, Cancer Care and Cancer Screening Programs Austin, Texas |
| 1999 - 1/2007 | Director | Seton Healthcare Network Shivers Cancer Center, f.k.a. Brackenridge Hospital Cancer Clinic Austin, Texas |
| 2/2007 - Present | Unknown | |

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the Director of the Seton Healthcare Network, Shivers Cancer Center, f.k.a. Brackenridge Hospital Cancer Clinic, Austin, Texas, and had been in this position for three (3) years.
7. On or about October 2002 through August 2006, while employed as the Director of the Seton Healthcare Network, Shivers Cancer Center, f.k.a. Brackenridge Hospital Cancer Clinic, Austin, Texas, Respondent failed to prevent staff nurses from exceeding their legal scopes of practice when the nurses completed triplicate prescription forms for Schedule II Controlled Substances that had been pre-signed by physicians, on earlier days, re-authorizing filling of prescriptions for cancer patients. Respondent's omission allowed staff nurses to violate Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that adequate physician coverage was not provided by Seton Healthcare to meet the needs of indigent patients served at the Shivers Cancer Clinic, despite Respondent's repeated requests for funds to secure physician coverage. According to Respondent, the physicians at the Shivers Cancer Clinic routinely delegated to staff nurses the authority to refill Schedule II controlled substance pain medications to address the lack of adequate physician coverage, a practice which was in used before Respondent assumed the duties of Director of the Shivers Cancer Clinic. Respondent indicates that she took no action to prevent the staff nurses' improper exercise of prescribing authority delegated by the physicians because she

did not see an alternative to meet the pain management needs of indigent cancer patients. Although Respondent attempted to resign, her resignation was refused by her superior who promised better financial support that was never provided, and Respondent ultimately chose not to resign because she was unwilling to abandon the patients who did not have the option of resigning or obtaining alternative care. Respondent points out that no patient harm resulted from any of her acts or omissions.

9. On or about August 1, 2007, Respondent successfully completed a Board approved course in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.
10. On or about June 20, 2008, Respondent successfully completed a Board approved course in Texas nursing jurisprudence and ethics.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)[*eff. through 9/28/04*], 217.11(1)(A)&(1)(U)[*eff. 9/28/04*], and 217.12(2)[*eff. 9/28/04*].
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 550171, heretofore issued to SUE ANN SEEMANN, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 multistate licensure privilege, if any, to practice nursing in compact states.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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 and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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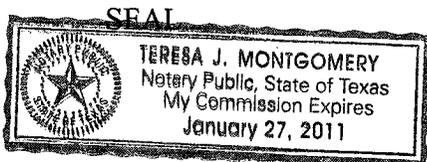
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 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 5th day of February, 2010.

Sue Ann Seemann
SUE ANN SEEMANN, Respondent

Sworn to and subscribed before me this 5th day of FEB, 2010.



Teresa J. Montgomery
Notary Public in and for the State of TEXAS

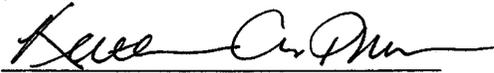
Approved as to form and substance.

Susan Henricks
Susan Henricks, Attorney for Respondent

Signed this 8 day of Feb., 2010

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of February, 2010, by SUE ANN SEEMANN, Registered Nurse License Number 550171, and said Order is final.

Effective this 23rd day of March, 2010.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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