

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Registered Nurse
License Number 254447
issued to SUSAN PATRICIA RILEY

§ AGREED
§
§ ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of SUSAN PATRICIA RILEY, Registered Nurse License Number 25444 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 21, 2007, 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 representation by counsel, informal conference, 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 El Centro College, Dallas, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on March 20, 1981.

5. Respondent's professional nursing employment history includes:

1981	Staff RN Parkland Memorial Hospital Dallas, Texas
1981 - 1987	Staff RN St. Paul Medical Center Dallas, Texas
1987 - 1989	Staff RN Parkland Memorial Hospital Dallas, Texas
1990 - 1991	Staff RN Silver Leaves Nursing Center Garland, Texas
1991 - 1993	Level II Staff RN Southeastern Methodist Hospital Dallas, Texas
1993 - 1996	Level II Staff RN Charlton Methodist Hospital Dallas, Texas
1996 - 1999	Staff RN/Case Manager Homebound Home Health, LLC Cleburne, Texas
1999 - 2003	Staff RN Starmed Health Personnel, Inc. Dallas, Texas
2003 - 2005	Staff RN Baylor University Medical Center Dallas, Texas
June 2006 - July 2006	Staff RN Medical Center of Arlington Arlington, Texas
August 2006 - July 2007	Unknown

Respondent's professional nursing employment history continued:

August 2007 - Present

Staff RN

Pleasant Manor Health & Rehabilitation Center
Waxahachie, Texas

6. On September 25, 1990, Respondent was issued the sanction of Reprimand by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order dated September 25, 1990, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Medical Center of Arlington, Arlington, Texas, and had been in this position for one (1) month.
8. On or about July 26, 2006, while employed with Medical Center of Arlington, Arlington, Texas, Respondent lacked fitness to practice professional nursing in that she was observed exhibiting characteristics of impaired behavior including, but not limited to, slurred speech and lack of focus. Respondent's condition 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. On or about July 26, 2006, while employed with Medical Center of Arlington, Arlington, Texas, Respondent engaged in the intemperate use of hydrocodone in that she submitted a specimen for a drug screen which resulted positive for hydrocodone. Possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. Regarding the conduct outlined in Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that she should have not gone to work that day because she had not slept well the night before due to severe pain in her foot. Respondent was unable to fall asleep until 3 a.m. when she took Klonopin and Soma. Later that day, while at work, Respondent took her prescribed Hydrocodone for her continued pain and all the medications "built up" in her and had an adverse effect.
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 violations of Section 301.452(b)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E), (5), & (10)(A).
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 254447, heretofore issued to SUSAN PATRICIA RILEY, 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 Registered License Number 254447, previously issued to SUSAN PATRICIA RILEY, to practice professional nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules

and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to SUSAN PATRICIA RILEY, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) 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) contact 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 Chemical Dependency, 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/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT

CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT 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. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT 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.

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

(6) For the first year of employment as a Registered Nurse under this Order,

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

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

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(9) RESPONDENT 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, RESPONDENT 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. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(10) RESPONDENT 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 next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the 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 RESPONDENT's place of employment at any time during the probation period and require RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the 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. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(11) 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.

(12) RESPONDENT SHALL participate in pain management therapy with a Board approved Medical Doctor or Doctor of Osteopathy, licensed by the Board of Medical Examiners, and certified as a Diplomat with the American Board of Pain Medicine. RESPONDENT SHALL CAUSE the physician to submit written reports to the Board, which shall include, at a minimum, the clinical indications and rationale for the chronic use of controlled substances, RESPONDENT's

progress and compliance with pain management therapy, and a prognosis as to RESPONDENT's ability to safely practice professional nursing in a direct patient care setting. 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 probation period, or until RESPONDENT no longer requires the use of controlled substances.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 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 17 day of October, 2007.

Susan Patricia Riley
SUSAN PATRICIA RILEY, Respondent

Sworn to and subscribed before me this 17th day of October, 2007.



Dawne Schrodtt
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of October, 2007, by SUSAN PATRICIA RILEY, Registered Nurse License Number 254447, and said Order is final.

Effective this 11th day of December, 2007.



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 Permanent Certificate §
Number 2-54447 issued to §
SUSAN PATRICIA EVANS §

ORDER OF THE BOARD

To: Susan Patricia Evans
1311 Saturn
Cedar Hill, Texas 75104

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the 25th day of September, 1990, considered the conduct of SUSAN PATRICIA EVANS, Permanent Certificate Number 2-54447.

At the meeting, Dr. Eileen M. Piwetz, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Mr. Morris Parrish
Dr. Lynn C. Besselman	Mrs. Pettey Ross, R.N.
Mrs. Sara J. Keele, R.N.	Mrs. A. Joanna Seamans, R.N.
	Mrs. Patsy Sharpe

Following receipt of information, SUSAN PATRICIA EVANS, agreed to a Consent to Board Order from the Board of Nurse Examiners. Respondent was not present at the Board of Nurse Examiners scheduled hearing but did appear at a hearing before the Executive Director. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. SUSAN PATRICIA EVANS is currently licensed to practice professional nursing in the State of Texas.
2. Respondent, on or about February 11, 1988 while employed at Parkland Hospital, Dallas, was unfit to practice nursing by reason of mental or physical health.
3. Respondent completed an in-patient treatment program at Willowbrook Treatment Center, Waxahachie, Texas from February 23, 1990 to April 23, 1990.
4. Respondent continues to follow an aftercare program provided by Willowbrook Treatment Center, Waxahachie, Texas and also attends Narcotics Anonymous meetings (1-3 times a week).
5. Respondent desires to continue her career in professional nursing.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based on the information received, Respondent is in violation of Article 4525(a) (11), Revised Civil Statutes of Texas, as amended.

ORDER OF THE BOARD

IN VIEW OF THE FINDINGS OF FACT, it is hereby ordered that the Board of Nurse Examiners for the State of Texas, does hereby issue a reprimand to SUSAN PATRICIA EVANS, license number 2-54447, to practice professional nursing in the State of Texas, for conduct proven at the hearing in this matter.

IT IS FURTHER ORDERED that upon receipt of the notification of employment form in the office of the Board of Nurse Examiners for the State of Texas, the license issued to Respondent be subject to the following stipulations for a minimum period of two (2) years.

(1) Respondent must return her current certificate of re-registration (wallet size) to the office of the Board of Nurse Examiners for the State of Texas immediately for appropriate notation.

(2) Respondent shall notify each present employer/potential employer in professional nursing of this Order of the Board and the stipulation on her license by presenting a copy of this Order to each present employer/potential employer. In addition, Respondent must cause each present employer/potential employer to submit the notification of employment form to the Board office.

(3) That during her employment as a professional nurse, Respondent must cause each employer to timely submit, on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing. These reports must be submitted to the office of the Board of Nurse Examiners at the end of each three months for a minimum period of two (2) years of employment as a registered nurse following receipt of this Order. To be deemed timely, these reports must be received by the office of the Board of Nurse Examiners no later than ten (10) days after the due date indicated on the report form. If the place of Respondent's employment changes, Respondent must notify the Board of Nurse Examiners no later than ten (10) days after the first day of employment.

(4) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised by another registered nurse and works only on regularly assigned, identified and predetermined unit(s). The

nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency. Respondent may not be self employed. Further, multiple employers are prohibited.

(5) Respondent may not practice as a professional nurse in any critical care areas for a minimum period of one (1) year of employment as a registered nurse ten (10) days following entry of this Order. Critical care areas are identified as any intensive care unit, step-down unit, emergency room, operating room and recovery room.

(6) Respondent may not practice as a professional nurse on the night shift, may not rotate shifts, work overtime, accept on call assignments, or be used for coverage on any unit other than the assigned unit(s) for a minimum period of one (1) year of employment as a registered nurse ten (10) days following entry of this Order.

(7) Respondent may not administer or have any contact with controlled substances, Nubain and/or Stadol for a minimum period of one (1) year of employment as a registered nurse ten (10) days following entry of this Order.

(8) Respondent shall completely abstain from the consumption of alcohol and/or the use of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by a licensed practitioner recognized in the Nurse Practice Act, a report identifying the medication, dosage and the date the medication was prescribed. Respondent shall submit to random periodic screens for controlled substances and alcohol at least once every week, for a minimum period of three (3) months. If

all of the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every month for a minimum period of three (3) months. If all the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every three (3) months for the duration of the stipulation period. All screens shall be properly monitored and administered by Respondent's employer and personally observed by said individual or a trusted member of his/her staff. A complete chain of custody shall be maintained for each specimen obtained and analyzed. Respondent shall have written reports from the employer sent to the Board of Nurse Examiners concerning the results of the random periodic screens. If any sample tests positive for alcohol, controlled substance or habit forming substance for which Respondent does not have a valid prescription from a licensed practitioner recognized in the Nurse Practice Act, they shall report such findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(9) Respondent shall participate in therapy. Respondent shall cause the therapist to submit to the Board written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing to the Board of Nurse Examiners, on forms provided by the Board, from a "professional counselor" possessing credentials approved by the Board. Such reports are to be furnished each and every month for a minimum period of three (3) months or until dismissed from therapy. If all of the aforementioned reports are acceptable and therapy is continued, then the reports shall be required at the end of each three (3) months for the duration of the stipulation period, or until

dismissed from therapy. To be considered timely, the original forms must be received in the Board of Nurse Examiners Office ten (10) days after the due date indicated on the report form.

(10) Respondent must attend at least two (2) support group meetings each week. Respondent must provide acceptable evidence of attendance for at least two (2) support group meetings per week. Acceptable evidence means the date of each meeting attended by Respondent, the name of each group attended by Respondent, and the signature or signed initials of the chairperson of each group attended by Respondent. The weekly meetings shall consist of (a) a minimum of one (1) impaired nurse support group and (b) another local support group for substance abuse. Respondent must submit the required evidence on the original forms provided by the Board. No duplications, copies, third party signatures, or any other substitutions whatsoever will be accepted as evidence. The evidence of attendance must be timely submitted to the Board of Nurse Examiners on the original forms provided by the Board, at the end of every three (3) months for a minimum period of two (2) years. To be considered timely the original forms must be received in the Board of Nurse Examiners office ten (10) days after the due date indicated on the report form.

(11) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the stipulation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also, after notice and opportunity for hearing extend or modify the terms of stipulations if extension or modification is warranted by evidence presented to the Board.

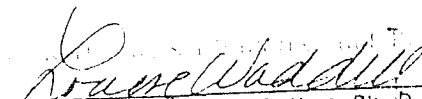
(12) That, SUSAN PATRICIA EVANS shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

The Board admonishes SUSAN PATRICIA EVANS, that the prime objective of the nursing profession is to render service to humanity and whoever chooses this profession assumes the obligation to conduct themselves in accordance with Nursing Standards and obey the laws of the State of Texas.

Entered this 25th day of September, 1990.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


Louise Waddill, R.N., Ph.D.
Executive Director