



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 256204 §
issued to PAIGE DURAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PAIGE DURAN, Registered Nurse License Number 256204, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(7), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 7, 2008, 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.
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 a Baccalaureate Degree from the University of Texas Health Science Center, San Antonio, Texas, on May 5, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981. Respondent was authorized to practice as a Gerontological Nurse Practitioner by the Board on February 24, 1988.
5. Respondent's professional nursing employment history is unknown.
6. On or about March 16, 1998, Respondent's license to practice professional nursing in the State of Washington was issued a STIPULATION TO INFORMAL DISPOSITION by the

State of Washington, Department of Health, Nursing Care Quality Assurance Commission, Olympia, Washington. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 16, 1998 is attached and incorporated by reference as part of this Order. All conditional were met as of April 13,1998.

7. On or about January 31, 2008, Respondent submitted a written statement related to Finding of Fact number Six (6), in which she stated, "I had a patient transfer to the nursing home I worked at, on hospice and actively dying and in a great deal of pain. She was transferred on a small dose of Morphine, which was not enough to control her pain. The dose was increased to get her pain under control. The son reported to The Washington Board of Nursing that the nursing home had killed his mother by giving her Morphine because he thought she was allergic to it because she got sleepy when she got it. The dying patient wanted the Morphine and knew that she was not allergic to it. I also called the Hospice nurse that was on duty and the pharmacy she used to see if they had any record of patient having any allergies to Morphine. They had no record of the patient having any allergies to Morphine. The Washington Board of Nursing did an investigation of every nurse that had contact with this patient. I had to write a paper and the stipulations were met."

On or about April 2, 2008, Respondent submitted an additional written statement related to Finding of Fact number Six (6), in which she stated, "I was frequently on call at home and gave orders over the phone. When I gave telephone orders, on scheduled medications, I always told the nurse to write "telephone order, the doctor's name (slash) my name." This was to indicate that I was not giving the order, but passing the order on to the nurse that I had received from the Doctor. The few orders stated in the stipulation to informal disposition, were telephone orders that came from a doctor and were not documented correctly by the nurse, as to where the order had originated, even with my coaching."

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 Article 4525(b)(7), TEX. REV. CIV. STAT. ANN.
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 256204, heretofore issued to PAIGE DURAN, 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 REMEDIAL EDUCATION, and 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 professional nursing in the State of Texas.

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 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 deliver the wallet-sized license issued to PAIGE DURAN to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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, 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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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

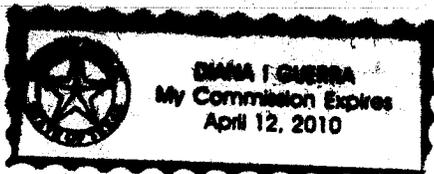
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of May, 2008.

Paige Duran
PAIGE DURAN, Respondent

Sworn to and subscribed before me this 1st day of May, 2008.

SEAL



Notary Public in and for the State of TX

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 1st day of May, 2008, by PAIGE DURAN, Registered Nurse License Number 256204, and said Order is final.

Effective this 5th day of May, 2008.



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

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

ORIGINAL

25th day of February, 2008

Christina Nozich

STATE OF WASHINGTON
DEPARTMENT OF HEALTH

Signature, Authorized Representative NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice Nursing of:

Paige Duran, RN, ARNP

Respondent.

Docket NO.97-12-A-1042RN

STIPULATION TO INFORMAL
DISPOSITION

The parties to the above-entitled matter stipulate as follows:

I. STIPULATION

1.1 Respondent is informed and understands the allegations against her, contained in the Statement of Allegations and Summary of Evidence, which are that she has engaged in conduct which, if proved, constitutes unprofessional conduct pursuant to RCW 18.130.180(7) & (12); 18.79.050; 18.79.250(2); and WAC 246-839-020(6); 246-839-300(4); 246-839-700(3)(a) & (d); 246-839-710(3)(c); 246-839-420(1) & (3).

1.2 The parties acknowledge that a finding of unprofessional conduct or inability to practice, if proven, constitutes grounds for discipline under RCW 18.130.

1.3 The parties wish to resolve this matter by means of a Stipulation to Informal Disposition per RCW 18.130.172.

1.4 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence. This Stipulation to Informal Disposition shall not be construed as a finding of unprofessional conduct or inability to practice.

1.5 This Stipulation to Informal Disposition is not formal disciplinary action. Furthermore it is not subject to the reporting requirements of RCW 18.130.110 and interstate/national reporting requirements.

1.6 This Stipulation to Informal Disposition is releasable to the public upon request pursuant to the Public Records Act, chapter 42.17 RCW. The Statement of Allegations and Summary of Evidence and the Stipulation to Informal Disposition shall remain part of Respondent's file and cannot be expunged.

1.7 Respondent agrees to be bound by the terms and conditions of the Stipulation to Informal Disposition and that the sanctions set forth below may be imposed as part of this Stipulation.

1.8 The Commission agrees to forego further disciplinary proceedings concerning the allegations set forth in Section II of the Statement of Allegations and Summary of Evidence. The Commission however, is not foreclosed from taking action based on similar or dissimilar information obtained subsequent to the date this Stipulation to Informal Disposition is approved and accepted by the Commission.

1.9 The Stipulation to Informal Disposition is of no force and effect and is not binding on the parties unless or until this Stipulation to Informal Disposition is approved and accepted by the Washington State Nursing Care Quality Assurance Commission.

1.10 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.11 That Respondent is advised and is aware that a violation of the provisions of this Stipulation to Informal Disposition, if proved, constitute grounds for further discipline under RCW 18.130.160 and RCW 18.130.180.

II. INFORMAL DISPOSITION

Pursuant to RCW 18.130.172 (2) and based upon the foregoing stipulation, the parties agree to the following Informal Disposition:

2.1 That Respondent shall develop a written research report on The ARNP's Appropriate Use of Prescriptive Authority With Regard to both Scheduled & Legend Drugs in Washington, to include a discussion of the meaning of WAC 246-839-420(1) & (3). This report shall be no less than five (5) pages in length, typed and double spaced, and shall include a current and pertinent bibliography. The report shall be due ninety (90) days from the date of this Order for approval by the Commission.

2.2 Respondent shall not violate any law or regulation regarding the practice of nursing.

2.3 Any and all costs involved in complying with these orders shall be borne by the Respondent.

I, Paige Duran, RN, ARNP, Respondent, certify that I have read this Stipulation to Informal Disposition in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Washington State Nursing Care Quality Assurance Commission without my appearance. If the Commission accepts the Stipulation to Informal Disposition, I understand that I will receive a signed copy.

Paige Duran

Paige Duran, RN, ARNP
Respondent

1/8/98

Date

Marilyn Brown Singer

Marilyn Brown Singer
Attorney for Respondent

1/10/98

Date

III: ACCEPTANCE

The Washington State Nursing Care Quality Assurance Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED this 16th day of March, 1998.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
WASHINGTON STATE NURSING CARE
QUALITY ASSURANCE COMMISSION

BY Janice E Campbell RN, MA

_____, Chair

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

94-10-0002RN

95-05-0015RN

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.



25th day of February, 2008

Christina Nouch
Signature, Authorized Representative

STATE OF WASHINGTON

DEPARTMENT OF HEALTH

1300 SE Quince St • PO Box 47864 • Olympia, Washington 98504-7864

April 13, 1998

Paige Duran, RN, ARNP

Dear Ms. Duran:

I have received the approval from the reviewing commission member regarding your compliance outlined in your Stipulation to Informal Disposition. The reviewer has agreed that all conditions have been met, the Commission considers this matter closed.

If you have any questions, or if I can be of assistance, please call me at (360) 664-4220.

Sincerely,

WASHINGTON STATE NURSING CARE
QUALITY ASSURANCE COMMISSION

Debra Young

Debra Young
Legal Assistant

cc: Marilyn Brown Singer, Attorney

I Certify that this is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office.

25th day of February, 2008

Christina Nesich
Signature, Authorized Representative

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to
Practice Nursing of:

Paige Duran, RN, ARNP

Respondent.

Dock. NO. 97-12-A-1042RN

STATEMENT OF ALLEGATIONS
AND SUMMARY OF EVIDENCE

COMES NOW Jeanne Giese, Nurse Practice Manager of the Washington State Nursing Care Quality Assurance Commission, and sets forth the following Statement of Allegations and Summary of Evidence in support of the Statement of Allegations:

I. CONFIDENTIAL SCHEDULE

1.1 The patients referred to in this Statement of Allegations are identified in the attached Confidential Schedule.

II. STATEMENT OF ALLEGATIONS

2.1 While working as an ARNP at Kelsey Creek Care Center in Bellevue, Washington, Respondent exceeded her prescriptive authority by, but not limited to, committing the following acts:

- A. On or about July 27, 1994, Respondent prescribed an order for patient "A", Ativan, a schedule IV medication.
- B. On or about July 2, 1994, Respondent gave a telephone order for Ativan for patient "A".
- C. On or about September 2, 1994, Respondent prescribed an order Ativan for patient "A".

D. On or about April 27, 1994, Respondent prescribed an order for patient "B", Restoril, a schedule IV medication.

III. SUMMARY OF EVIDENCE

3.1 Medical care records for patient "A" & "B", maintained by Kelsey Creek Care Center, for the date at issue above.

3.2 Respondent's sworn statement, dated June 30, 1995.

IV. SUMMARY OF VIOLATIONS

4.1 That the allegations contained in section II above, if proved at a hearing, would constitute violations of RCW 18.130.180(7) & (12); 18.79.050; 18.79.250(2); and WAC 246-839-020(6); 246-839-300(4); 246-839-700(3)(a) & (d); 246-839-710(3)(c); 246-839-420(1) & (3), which state in pertinent part:

RCW 18.130.180 Unprofessional Conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...
(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...
(12) Practice beyond the scope of practice as defined by law or rule;

...
RCW 18.79.050 "Advanced registered nursing practice" defined - Exceptions. "Advanced registered nursing practice" means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by the medical and nursing professions, the scope of which is defined by rule by

the commission. Upon approval by the commission, an advanced registered nurse practitioner may prescribe legend drugs and controlled substances contained in Schedule V of the Uniform Controlled Substances Act, chapter 69.50 RCW.

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit (1) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be an advanced registered nurse practitioner, or (2) the practice of registered nursing by a licensed registered nurse or the practice of licensed practical nursing by a licensed practical nurse.

RCW 18.79.250 Advanced registered nurse practitioner -- Activities Allowed. An advanced registered nurse practitioner under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.260 and 18.79.270:

...

(2) Prescribe legend drugs and Schedule V controlled substances, as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, within the scope of practice defined by the commission;

...

WAC 246-839-300 Advanced registered nurse practitioner.

An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. Advanced registered nurse practitioners function within the scope of practice reviewed and approved by the board. Those scopes reviewed are the statements of scope accepted by the certifying bodies as the basis for their test plan and selection of test items. Advanced registered nurse practitioners are qualified to assume primary responsibility for the care of their patients. This practice incorporates the use of independent judgment as well as collaborative interaction with other health care professionals when indicated in the assessment and management of wellness and conditions as appropriate to the ARNP's area of specialization. An advanced registered nurse practitioner shall:

...

(4) Be held accountable to scope of practice and the standards of care established for the specialty as reviewed and approved by the board.

WAC 246-839-020 Documents which indicate authorization to practice registered nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

...

(6) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 246-839-410. This authorizes the ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

...

WAC 246-839-700 Standards of Nursing Conduct or Practice...The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following:

...

(3) Other responsibilities:

(a) The nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

...

(d) The nurse shall be responsible for maintaining current knowledge in his/her field of practice.

...

WAC 246-839-710 Violations of Standards of Nursing Conduct or Practice. The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing...

...

(3) Failure to adhere to the standards enumerated in WAC 246-839-700(3) which may include:

...

(c) Writing prescriptions for drugs unless authorized to do so by the board.

.....

WAC 246-839-420 Authorized prescriptions by the ARNP with prescriptive authority. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16)

V. NOTICE TO RESPONDENT

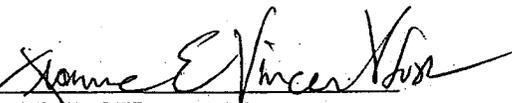
The Commission has determined that this case may be appropriate for resolution through a Stipulation to Informal Disposition, pursuant to RCW 18.130.172. A proposed Stipulation to Informal Disposition is enclosed which contains the disposition the Commission believes is necessary to address the conduct alleged in this Statement of Allegations and Summary of Evidence.

In the event Respondent declines to agree to disposition of the allegations by means of a Stipulation to Informal Disposition pursuant to RCW 18.130, the Commission may proceed to formal disciplinary action against the Respondent by issuing a Statement of Charges.

The Commission reserves the right to raise additional allegations in the event further information is received supporting such amendment or addition.

DATED this 15 day of December, 1997.

WASHINGTON STATE NURSING CARE
QUALITY ASSURANCE COMMISSION

By: 
JEANNE GIESE, R.N.
Nurse Practice Manager