

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 132610
ISSUED TO
SUSAN S. CHANDLER

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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.
Patricia A. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Susan S. Chandler
2205 Phillips Lane
Texarkana, Texas 75501

During open meeting held in Austin, Texas, on June 13, 2006, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners 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 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

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 to set aside the default order (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 Permanent Certificate Number 132610, previously issued to SUSAN S. CHANDLER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 132610, previously issued to SUSAN S. CHANDLER, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 13th day of June, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


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

Re: Permanent Certificate Number 132610
Issued to SUSAN S. CHANDLER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June 2006, 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):

Susan S. Chandler
2205 Phillips Lane
Texarkana, Texas 75501

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

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 132610, Issued to § **OF NURSE EXAMINERS**
SUSAN S. CHANDLER, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SUSAN S. CHANDLER, is a Vocational Nurse holding license number 132610, which is in Delinquent 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 November 12, 2004, while employed as a Licensed Vocational Nurse with East Texas Care Team, Inc., Longview, Texas, and utilizing a multi-state compact privilege through her Arkansas Practical Nurse License No. L39408, Respondent misappropriated Diazepam belonging to Home Health Patient BC. Respondent's conduct was likely to defraud the patient of the cost of the medication and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G)&(8).

CHARGE II.

On or about November 17, 2004, while employed as a Licensed Vocational Nurse with East Texas Care Team, Inc., Longview, Texas, and utilizing a multi-state compact privilege through her Arkansas Practical Nurse License No. L39408, Respondent engaged in the intemperate use of Oxazepam, in that Respondent produced a specimen for a reasonable suspicion/cause drug screen which resulted positive for Oxazepam. Possession of Oxazepam is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Oxazepam by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, 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 is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(D).

CHARGE III.

On or about August 10, 2005, Respondent entered into a Consent Order with the Arkansas State Board of Nursing, wherein Respondent's Practical Nursing License Number L39408 was placed on probation for a period of one (1) year, with conditions. In addition to the probation, Respondent was ordered to pay a five hundred dollar (\$500) fine. A copy of the Consent Agreement dated June 14, 2005, Findings of Fact, Conclusions of Law, and Order dated August 10, 2005, are attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

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CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Arkansas State Board of Nursing Consent Agreement dated June 14, 2005 and Order dated August 10, 2005.

Filed this 12 day of April, 2004.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 0079585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305.8101 or (512)305-7401

Attachments: Arkansas State Board of Nursing Consent Agreement dated June 14, 2005 and Order dated August 10, 2005.

signed

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

SUSAN S. CHANDLER

LPN LICENSE NO. L39408

CONSENT AGREEMENT

A complaint charging Susan S. Chandler (hereinafter referred to as "Respondent") with violations of the Arkansas Nurse Practice Act has been received by the Arkansas State Board of Nursing (hereinafter referred to as "the Board"). In the interest of a prompt and speedy settlement of the above-captioned matter consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law and Order:

I. Findings of Fact

sc

- sc* 1. The Respondent is the holder of Arkansas LPN License No. L39408.
- sc* 2. The Respondent's nursing license was placed under investigation after an incident in Longview, Texas, was reported to this Board from November 12, 2004. Valium disappeared from a patient's home and a for cause urine drug screen on this Respondent came back positive for Oxazepam at the time. The Respondent says her urine was positive because she was taking medications prescribed for her daughter. On March 8, 2005, a complaint was received from Twin Lakes Nursing Center, Flippin, Arkansas, that this same Respondent had left unidentified medications loose on the medication cart. Pharmacy services identified these as one (1) Ambien, Z pack, Loratab, Vicodin, Klonopin, Ativan and oral Morphine. A theft and loss report

IN THE MATTER OF:

SUSAN S. CHANDLER

LPN LICENSE NO. L39408

was generated.

sc 3. The Respondent underwent an evaluation by Dr. Donnie Holden on May 4, 2005. Because Dr. Holden did not feel this was a substance abuse problem, he had the Respondent evaluated for any cognitive loss or indication of drug use by a Neuropsychologist.

II. Conclusions of Law *sc*

sc 1. Pursuant to Ark. Code Ann. §17-87-203 and §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

sc 2. The conduct described in the Findings of Fact constitutes a violation of Ark. Code Ann. §17-87-309 (a)(6), effecting both the privilege to practice nursing and the nursing license in the State of Arkansas.

sc 3. The conduct described in the Findings of Fact constitutes sufficient cause pursuant to Ark. Code Ann. §17-87-309 to suspend, revoke or otherwise discipline a licensee who possesses a nursing license or the privilege to practice nursing in the State of Arkansas.

III. Order *sc*

sc 1. The Respondent admits the Board's Findings of Fact and Conclusions of Law.

sc 2. In lieu of a formal hearing on these issues, Respondent agrees to the issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

sc 3. The Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be

IN THE MATTER OF:**SUSAN S. CHANDLER****LPN LICENSE NO. L39408**

retained in the Board's file concerning this matter.

- sc* 4. The Respondent understands that those admissions are conclusive evidence of a prior violation of the Arkansas Nurse Practice Act and may be used for the purposes of determining sanctions in any future disciplinary matter.
- sc* 5. The Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation is waived.
- sc* 6. The Respondent understands as a result of entering into this Consent Agreement that the terms of this agreement become public record and shall be reported to the National Council of State Boards of Nursing Disciplinary Data Bank and the Healthcare Integrity and Protection Data Bank.
- sc* 7. The Respondent understands that this Consent Agreement is effective upon its acceptance by the Board.

IN THE MATTER OF:

SUSAN S. CHANDLER

LPN LICENSE NO. L39408

Susan Chandler
RESPONDENT

Dated: June 14, 2005

ARKANSAS STATE BOARD OF NURSING

BY: Ruthanne N. Murphy
RUTHANNE N. MURPHY, RN, ARK BAR NO. 90043
ASBN NURSE/ATTORNEY

Leslie Sign
WITNESS

University Tower Building, Suite 800
1123 South University Avenue
Little Rock, Arkansas 72204
(501) 686-2700

BEFORE THE ARKANSAS STATE BOARD OF NURSING**IN THE MATTER OF:****SUSAN S. CHANDLER****LPN LICENSE NO. L39408****ORDER**

In view of the above Findings of Fact, Conclusions of Law, and the consent of the Respondent, the Board hereby issues the following Order:

- sc* 1. The Respondent consents to the terms and conditions of the Order and waiver of a public hearing is accepted.
- sc* 2. The Respondent's license as an LPN will be placed on probation for one (1) year and the following conditions will apply during the period of supervision:
- sc* a. The Respondent's license will be sent to the Board within five (5) business days after receiving the Order, to be marked with the term "probation".
- sc* b. The Respondent must notify each present and future employer in professional nursing of this Order of the Board and the probation conditions on Respondent's license and privilege to practice nursing and present to every employer in professional nursing a copy of this Order.
- sc* c. The Respondent, if employed as a nurse, must practice under an employer-impaired nurse contract. A copy of the employer-impaired nurse contract and a quarterly Performance Evaluation Report must be submitted by the employer to the Board. It is the responsibility and duty of the Respondent to insure that the employer submits these documents in a timely fashion.

IN THE MATTER OF:**SUSAN S. CHANDLER****LPN LICENSE NO. L39408**

- sc* d. The Respondent must immediately notify the Board in writing of any change, even a temporary one, in name, address, or employer.
- sc* e. The Respondent may not work outside the State of Arkansas without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the state where the Respondent wishes to work.
- sc* f. The Respondent must submit to random urine drug screens. The urine drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program and laboratory. Contact must be made with a Board-approved drug screen monitoring program within five (5) business days of receipt of this Order.
- sc* g. The Respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom medical attention is sought. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. The Respondent shall cause all such licensed practitioners to submit a written report identifying the medication, dosage, and the date the medication was prescribed. The prescribing practitioners shall submit the report directly to the Board within ten (10) days of the date of the prescription. It is the responsibility and duty of the Respondent to insure that the prescribing practitioners submit their written reports in a timely fashion.
- sc* h. The Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis. The Respondent's responsibility is to insure that

IN THE MATTER OF:

SUSAN S. CHANDLER

LPN LICENSE NO. L39408

all reports are submitted to the Board on a quarterly basis.

sc i. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.

sc j. All costs involved in complying with this Order shall be borne by the Respondent.

sc k. Failure to comply with a signed Consent Agreement may result in the suspension of the nurses license to practice nursing in this state.

sc l. Verification of termination of the probationary period may be requested in a registered letter to the Board.

sc 3. In addition to the probation imposed above, the Respondent shall pay a fine of \$500.00 pursuant to Ark. Code Ann. §17-87-104(b)(1). Such fine will be payable within fifteen (15) days of receipt of this Order or a signed agreement on payments must be turned within this same fifteen (15) day period.

ARKANSAS STATE BOARD OF NURSING

By: *[Signature]*
DANIEL C. WEST, RN, President

Dated: 8/10/05