



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 Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 502362 § AGREED
issued to TRACI LANE DRUM § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TRACI LANE DRUM, hereinafter referred to as Respondent, License Number 502362, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 4, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person and was represented by Susan Henricks, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Candace V. Heisserman, Investigator.

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 notice and hearing, and consented 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 Women's University, Dallas, Texas, on August 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas in September 1982. Respondent completed the Family Nurse Practitioner Program at Texas Woman's University, Dallas, Texas, in May 1997. Respondent was authorized to practice as a Family Nurse Practitioner on September 25, 1997. Respondent gained limited prescriptive authorization on March 6, 1998.

5. Respondent's professional employment history includes:

9/81-5/82	Staff Nurse Medical Plaza Hospital Fort Worth, Texas
9/82-9/83	Charge Nurse Fort Worth Osteopathic Medical Center Fort Worth, Texas
9/83-4/85	Charge Nurse Mansfield Community Hospital Mansfield, Texas
4/85-8/87	Staff Nurse Presbyterian Hospital of Dallas Dallas, Texas
8/87-8/92	Coordinator of Cardiac Rehabilitation Presbyterian Hospital of Dallas Dallas, Texas
9/92-4/96	Staff Nurse Presbyterian Hospital of Dallas Dallas, Texas
8/97-2/98	Family Nurse Practitioner Columbia Medical Center of McKinney- Rural Health Clinic McKinney, Texas
2/98-3/99	Family Nurse Practitioner Columbia Medical Center of McKinney McKinney, Texas
3/99-Present	Emergency Medicine EmCare, Inc. Dallas, Texas
8/00-5/02	Medical-Legal Consultant Law Office of J. Gregory Marks Irving, Texas

Respondent's professional employment history continued:

9/99-2/03	Family Nurse Practitioner/Clinical Administrator Residential Visits Association/Doctors Home Visits Dallas, Texas
3/03-10/03	Family Nurse Practitioner Health Essentials, Inc. Dallas, Texas
6/03-Present	Family Nurse Practitioner Texas Inpatient Services Dallas, Texas

6. At the time of the initial incident, Respondent had just begun employment with Residential Visits Association/Doctors Home Visits, Dallas, Texas, as a Family Nurse Practitioner.
7. On or about September 1999, through February 2003, while employed as a Family Nurse Practitioner with Residential Visits Association/Doctor's Home Visits, Dallas, Texas, Respondent failed to utilize protocols or other written authorization which would provide authority when providing medical aspects of care and carrying out or signing for prescription drug orders as required by the Board of Nurse Examiners' Rules and Regulations relating to Advanced Practice Nurses.
8. On or about October 2, 2002, while employed with Residential Visits Association/Doctor's Home Visits, Dallas, Texas, Respondent submitted a telephonic prescription for Lortab at Walgreen's Pharmacy without proper written authorization.
9. On or about November 2002, while employed with Residential Visits Association/Doctor's Home Visits, Dallas, Texas, Respondent submitted a telephonic prescription for Lortab at Walgreen's Pharmacy without proper written authorization.
10. On or about December 30, 2002, while employed with Residential Visits Association/Doctor's Home Visits, Dallas, Texas, Respondent requested that a coworker submit a telephonic prescription for Lortab at Albertson's Pharmacy for Respondent without proper written authorization.
11. Respondent's treating physicians have recommended that she abstain from the use of alcohol and remain under the care of a physician for treatment of a diagnosed mental health condition. Respondent has been fully compliant with the medication regimen and treatment proposed by her physicians.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(21), and TEX. ADMIN. CODE §221.13.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 502362, heretofore issued to TRACILANE DRUM, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 TRACILANE DRUM, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order. for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a Texas course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered 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, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on the following:

principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations 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 professional nursing of this Order of the Board and the stipulations 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.

(6) RESPONDENT SHALL CAUSE each present employer in professional 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 professional nurse.

(7) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year(s) of employment as a professional nurse.

(8) 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.**

(9) 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 twice per month. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random urine screens shall be performed at least once every three (3) months. Specimens shall be screened for Ethanol and other controlled substances as identified by the Board. A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation 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 stipulation 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.

(10) RESPONDENT SHALL participate in medical therapy concerning her mental health diagnosis with her current physician or with another physician possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the physician to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. 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 stipulation period, or until RESPONDENT is dismissed.

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 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 23rd day of February, 2004.

Traci Lane Drum
TRACI LANE DRUM, Respondent



Sworn to and subscribed before me this 23rd day of February, 2004.

SEAL

Linda Redd

Notary Public in and for the State of Texas

Approved as to form and substance.

Susan Henricks
SUSAN HENRICKS, Attorney for Respondent

Signed this 1st day of March, 2004.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of February, 2004, by TRACI LANE DRUM, License Number 502362, and said Order is final.

Effective this 22nd day of April, 2004.



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