



Board of Nurse Examiners For the State of Texas

Kath erke Thomas, MN, RA Executive Director	Linda Rounds, PhD, RN, President, Galveston	Marcelo Lajas, Jr., Vice-President, Floresville	Thomas Barton, RN, Pampa	Deborah Hughes Bell, CLU, ChFC, Abilene	Virginia Campbell, BSN, RN, CNOR, Mesquite	Lawrence Canfield, MS, Ed, RN, CRNA, Temple	Blanca Rosa Garcia, PhD, RN, Corpus Christi	Brenda Jackson, PhD, MSN, RN, San Antonio	Phyllis C CPC, El Paso
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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.
 Executive Director of the Board

December 10, 2003

Certified Mail Number 7002 0860 0001 0935 2469

Return Receipt Requested

David Canaday Miller
 1708 21st Ave S PMB 165
 Nashville, TN 37212

Re: RN Multi-state privilege in the State of Texas

CEASE AND DESIST ORDER

Dear Mr. Miller:

The Board of Nurse Examiners for the State of Texas has become aware of certain events that indicate you may not be safe and competent to practice nursing and that you may have violated the Nursing Practice Act. The events generally involve practicing as an Advanced Nurse Practitioner without authorization from the Board of Nurse Examiners for the State of Texas, forging a physician's signature on two (2) prescriptions, and you self-reporting your abuse of alcohol and drugs (benzodiazepines and narcotics) which you stated were bought through the internet.

Summary of Events

You are licensed as a registered nurse by the Board of Nursing for the State of Tennessee, a member of the Nurse Licensure Compact which allows you the privilege of working in member states. The Board of Nurse Examiners for the State of Texas is also a member of the Nurse Licensure Compact. On or about July 15, 2002, while working on your Tennessee license and your multi-state privilege, and while employed with South Hampton Medical Group, Houston, Texas, you:

- practiced as an Advanced Nurse Practitioner without authorization from the Board of Nurse Examiners for the State of Texas.
- forged Dr. McNamara's signature on prescriptions for: (1) Patient R.G. for Tricor 160 mg once-a-day for thirty (30) days with three (3) refills; and (2) Patient P.Y. for Tricor 160 mg once-a-day for thirty (30) days with three (3) refills.

Additionally, information was received through a telephone interview on November 17, 2003, that you abused alcohol and narcotics which you purchased through the internet, and you are currently being monitored for drug abuse, under a five (5) year contract agreement with the Professional Assistance Program in Tennessee.

The evidence received is sufficient cause pursuant to section 304.001, Article 5(c), Texas Occupations Code, to revoke your multi-state licensure privilege in the State of Texas.

On July 23, 2002, you were provided notice of the first allegation by certified mail, return receipt requested, to your address of record, and a return receipt was received. On September 25, 2002, you were provided notice of the second allegation by certified mail, return receipt requested, and a return receipt was *not* received, but a response was received on October 22, 2002.

Nursing Practice Act Violations if the Allegations are True

The evidence indicates that you may have violated the Nursing Practice Act, Texas Occupations Code § 301.452(b) (9) & (10), and 22 Texas Administrative Code § 217.12(1) & (21).

- (9) intemperate use of alcohol or drugs that the Board determines endangers or could endanger a patient.
- (10) unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive, defraud, or injure a patient or the public.
- (1) failing to know and conform to the Texas Nursing Practice Act and the board's rules and regulations as well as all federal, state, or local laws, rules or regulations affecting the RN's current area of practice.
- (21) passing, or attempting to pass forged, altered, falsified or unauthorized prescription(s) by electronic, telephonic, written communication or any other means.

Legal Remedy and/or Options for Resolution

For the reasons stated above, the Board of Nurse Examiners for the State of Texas orders you to **CEASE AND DESIST** from the practice of nursing in Texas. The Board is allowed to "take adverse action affecting the multi-state licensing privilege to practice in that party state." TEX. OCC. CODE ANN. § 304.001, Article 5(c). The Board may also "issue a cease and desist order to limit or revoke a nurse's authority to practice in the state." *Id.* Article 6(a)(3). Therefore, your privilege to practice nursing in the State of Texas through the multi-state compact is hereby revoked. You must immediately **CEASE AND DESIST** from the practice of nursing in Texas based on your compact privileges granted through your home state.

Until the issue of your license is addressed by the Board of Nursing in your home state, you may not practice nursing in Texas under the Nurse Licensure Compact. You **SHALL** immediately **CEASE AND DESIST** from the practice of nursing in Texas.

If you have any questions, please do not hesitate to contact our Director of Enforcement, Mr. Anthony Diggs at (512) 305-6825.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Thomas".

Katherine Thomas

Executive Director for the
Texas Board of Nurse Examiners