

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 607518 § AGREED
issued to NANCY LOUISE FRIESEN § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of NANCY LOUISE FRIESEN, License Number 607518, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on November 14, 2002, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

Respondent neither admits nor denies these allegations but states she has agreed to this order to buy peace and intends this document to be treated as a settlement agreement and subject to all the protections and confidentiality provisions afforded such an agreement by law.

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 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 Diploma in Nursing from Bransom Hospital School of Nursing, Willowdale, Ontario, on September 1, 1968, and a Baccalaureate Degree in Nursing from Atlantic Union College, South Lancaster, Massachusetts, in 1986. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 1994.

5. Respondent's professional employment history includes:

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|-------------|--|
| 1968-1970 | Staff Nurse
Pawating Hospital
Niles, Michigan |
| 1970-1972 | Private Duty Nursing
Yarmouth, Nova Scotia |
| 1972-1977 | Homemaker |
| 1978-1981 | Staff Nurse
St. Teresa Hospital
St. Paul, Alberta |
| 1981-1982 | Homemaker |
| 1983-1984 | Staff Nurse/Triage
LaCrete Health Unit
Alberta, Canada |
| 1984-1986 | Nursing School |
| 1986-1988 | Staff Nurse
Breton General Hospital
Alberta, Canada |
| 04/88-10/92 | Staff Nurse
University of Alberta Hospital
Edmonton, Alberta |
| 07/93-04/94 | Staff Nurse
St. Michaels Health Center
Lethbridge, Alberta |
| 05/94-07/95 | Travel Nurse
Traveling Nurse Corps
Malden, MA |
| 08/95-04/97 | Staff Nurse
McAllen Medical Center
McAllen, Texas |

Respondent's professional employment history continued:

06/97-01-98 Staff Nurse
Edinburg Regional Medical Center
Edinburg, Texas

11/97-07/98 PRN Agency Nurse
Intensivo
Brownsville, Texas

09/98-02/02 Staff Nurse
William N. Jones Medical Center
Sherman, Texas

03/02-Present Unknown

6. At the time of the Incident, Respondent was employed as a Staff Nurse with Wilson N. Jones Medical Center, Sherman, Texas, and had been in this position for three (3) years and five (5) months.
7. On February 12, 2002, while employed with William N. Jones Medical Center, Sherman, Texas, it is alleged that Respondent signed out to herself one table of Darvocet from the unit supply and self-medicated.
8. On February 12, 2002 Respondent informed her supervisor that she had taken the Darvocet and states she requested to be allowed to pay for it rather than have a patient be charged for the medication.
9. On February 12, 2002 Respondent was evaluated by Elaine English, FNP at Health Center on 1417, 1000 FM 1417 street, Sherman, TX. 75092. Ms. English determined Respondent suffered from cervical muscle strain and a pulled trapezius muscle. Ms. English administered Respondent an intramuscular injection of Norflex, a powerful muscle relaxer. Finally, with the approval of her supervising physician, Joseph Michael Benson, M.D., Ms. English prescribed both Norflex and Darvocet for Respondent.
10. At the request of another supervisor Respondent agreed to take a urine drug screen on February 12, 2002. The screen was positive for Propoxyphene and Respondent's employment with Wilson N. Jones Medical Center was terminated.
11. The Board believes that the use of Propoxyphene by a Registered 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.

12. There is no evidence that any patient received inappropriate care from Respondent or was placed in danger at the time in question.
13. Timmi Kuykendall, MA, LCDC completed a Chemical Dependency Evaluation on respondent at Austin Travis County Mental Health-Mental Retardation Center, Austin, Texas, on October 7, 2002. The professional opinion of Timmi Kuykendall, MA, LCDC, was that Respondent did not have a probability of a substance abuse disorder and is not a substance abuser. Timmi Kuykendall, MA, LCDC reported that Respondent did not require treatment of any kind.

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 may be sufficient to prove a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 607518, heretofore issued to NANCY LOUISE FRIESEN.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND 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-size license issued to NANCY LOUISE FRIESEN, to the office of the Board of Nurse Examiners with ten (10) days from 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 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. The 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.

(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.

(4) RESPONDENT SHALL pay a monetary fine in the amount of one hundred dollars (\$100.00). 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.

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, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE, OR WHERE DIRECT PATIENT CARE IS NOT PROVIDED, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify her 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 her present employer within five (5) days of receipt of this Order. This requirement may be satisfied through service by certified mail, return receipt requested, to the agent registered to accept service for the employer through the secretary of the State of Texas. RESPONDENT SHALL additionally notify all other employers in professional nursing of this Order for a period of one year from the date it is signed by her.

(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. For a period of one year, 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 of employment as a professional nurse.

(8) RESPONDENT SHALL abstain from the consumption of all controlled substances, except as prescribed by a licensed practitioner. 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.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances. For the first three (3) months period, random screens shall be performed not more than once per week. For the second three (3) month period, random screens shall be performed not more than once per month. For the remainder of the stipulation/probation period, random screens shall be performed not more than once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbituates	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 stipulation/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 these random drug screens.

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.

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.

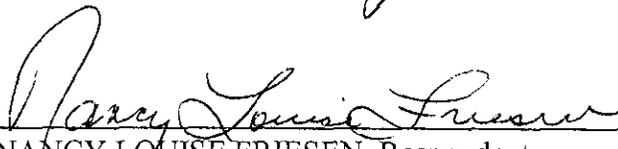
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RESPONDENT'S CERTIFICATION

I have reviewed this Order. I neither admit nor deny the violations alleged herein. I have signed this 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. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanctions that may include revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of June, 2003.


NANCY LOUISE FRIESEN, Respondent

Sworn to and subscribed before me this 17th day of June, 2003.




Notary Public in and for the State of Texas

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 17th day of June, 2003, by NANCY LOUISE FRIESEN, License Number 607518, and said Order is final.

Effective this 24th day of July, 2003.



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