BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	
License Number 247918	§	REINSTATEMENT
issued to TANYA MARIE FRADEN	§	AGREED ORDER

TEXAS BOARD OF NURSING
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

On this day came to be considered by the Texas Board of Nursing, hereinafter refe to as the Board, the Petition for Reinstatement of Registered Nurse License Number 247918, h by TANYA MARIE FRADEN, hereinafter referred to as Petitioner.

An informal conference was held on August 25, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Ron Simpson, Law Clerk; Bonnie Cone, RN, MSN; Robin Caldwell, PhD, RN, CLNC; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 1, 1979. Petitioner was originally licensed to practice professional nursing in the State of Texas on September 4, 1979.

4. Petitioner's complete professional nursing employment history is unknown.

5. On September 13, 2005, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas. A copy of the September 13, 2005, Order of the Board, is attached and incorporated, by reference, as a part of this Order.

6. On or about February 10, 2009, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

   7.1. Certificate of completion of Intensive Outpatient Program, dated May 14, 2007, from Cornerstone Counseling, Inc.

   7.2. Documentation of support group attendance dating from April 25, 2007, through November 1, 2007.

   7.3. Letter of support from Greg Lovelidge, Director of Training, Institute of Chemical Dependency Studies, Round Rock, Texas, states he has known Petitioner, a former student, for approximately six (6) months. During that time, he found her to be a responsible and caring individual who he believes, through hard work and perseverance, has attained the qualities necessary to enter the counseling field.

   7.4. Verification of successful completion of 20 (20) Continuing Education Contact Hours.

8. Petitioner gives February 18, 2007, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of TANYA MARIE FRADEN, Registered Nurse License Number 247918, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to TANYA MARIE FRADEN, shall be subject to the following agreed post-licensure probation conditions:

(6) PETITIONER SHALL, within forty-five (45) days following relicensure, apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nursing.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER 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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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 9th day of September, 2009.

Tanya Marie Fraden

TANYA MARIE FRADEN, Petitioner

Sworn to and subscribed before me this 9th day of September, 2009.

SEAL

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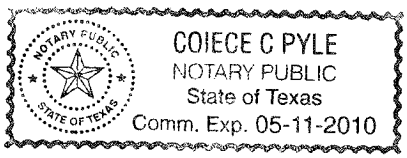
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of September, 2009, by TANYA MARIE FRADEN, Registered Nurse License Number 247918, and said Order is final.

Effective this 17th day of September, 2009.

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 247918	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
TANYA MARIE FRADEN	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: Tanya Marie Fraden
6232 Hwy 29 W
Burnet, Texas 78611

During open meeting held in Austin, Texas, on September 13, 2005, the Eligibility and Disciplinary Committee (herinafter "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 Texas Occupations Code, for retention of Respondent's license to practice professional 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 Texas Administrative 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 247918, previously issued to TANYA MARIE FRADEN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 247918, previously issued to TANYA MARIE FRADEN, 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 professional nursing in the State of Texas.

Entered this 13th day of September, 2005.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

In the Matter of Registered Nurse License	**§**	**BEFORE THE BOARD**
Number 247918, Issued to	**§**	**OF NURSE EXAMINERS**
TANYA MARIE FRADEN, Respondent	**§**	**FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TANYA MARIE FRADEN, is a Registered Nurse holding license number 247918, which is in current 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 December 8, 2004, while employed with Maricopa Integrated Health System, Phoenix, Arizona, while utilizing her Texas multi-state license, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty, including but not limited to: slurred speech, falling asleep, and an unsteady gait. Respondent's conduct could have affected his/her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his/her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes a violation of Section 301.452(b)(10)&(12),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12).

CHARGE II.

On or about December 8, 2004, while employed with Maricopa Integrated Health System, Phoenix, Arizona, while utilizing her Texas multi-state license, Respondent misappropriated Ativan belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes a violation of Section 301.452(b)(10),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(19).

CHARGE III.

On or about December 8, 2004, while employed with Maricopa Integrated Health System, Phoenix, Arizona, while utilizing her Texas multi-state license, Respondent failed to follow the policy and procedure for the wastage of Ativan in that Respondent admitted that she wasted the medication in the garbage can without a witness. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes a violation of Section 301.452(b)(10),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(18).

CHARGE IV.

On or about December 8, 2004, while employed with Maricopa Integrated Health System, Phoenix, Arizona, while utilizing her Texas multi-state license, Respondent engaged in the intemperate use of Lorazepam, Oxycodone, and Oxymorphone as evidenced by a positive drug screen. Possession of Lorazepam, Oxycodone, and Oxymorphone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Lorazepam, Oxycodone, and Oxymorphone by a 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 a violation of Section 301.452(b)(9)&(10),Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

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NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rules regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Sections 213.27 through 213.33. Additionally, staff will seek to impose on Respondent administrative costs in an amount of at least one thousand two hundred dollars ($1200.00) pursuant to § 301.461 Texas Occupations Code.

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.

Filed this 8th day of July, 20 05.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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Re: Permanent Certificate Number 247918
Issued to TANYA MARIE FRADEN
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2005, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via first class mail, and addressed to the following person(s):

Tanya Marie Fraden
6232 W Hwy 29
Burnet, Texas 78611

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