

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse  
License Number 523111  
issued to LEA OLIVIA MANGALINO

§ AGREED  
§ ORDER  
§

An Eligibility and Disciplinary Committee meeting was held on September 14  
at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the  
Occupations Code.

Petitioner appeared in person. Petitioner was represented by Taralynn R. Mackay,  
Attorney at Law. In attendance were Beverly Nutall, LVN, Tamara Cowen, MSN, RN, and Sheri  
Crosby, JD, SPHR. Staff present were Katherine A. Thomas, Executive Director; James Johnston,  
General Counsel; Anthony L. Diggs, Director, Enforcement Department; Allison Hassinger, Legal  
Assistant; Earl E. Stearns, Supervising Investigator; Barbara Darling, Administrative Technician,  
and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Petitioner consented to the entry of this Order.
2. Petitioner's license to practice professional nursing in the State of Texas is currently in  
inactive status..
3. Petitioner received a Baccalaureate Degree in Nursing from the University of the City of  
Manila, Manila, Philippines, on March 28, 1979. Petitioner was licensed to practice  
professional nursing in the State of Texas on April 19, 1985



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.  
*Katherine A. Thomas*  
Executive Director of the Board

4. Petitioner's professional employment history includes:

4/83 - 4/85	Staff Nurse	Joint Diseases North General Hospital New York, New York
5/84 - 1/00	Staff Nurse/Admission Nurse Coordinator	Tenet Healthcare Corporation Houston, Texas
6/98 - 3/04	Administrator	DaVita, Inc. Houston, Texas
4/06 - 5/07	Administrator	Wt. Mt. Houston Dialysis Center Houston, Texas
9/07 - 10/07	Quality Improvement	Fresenius Medical Services of North America Houston, Texas
11/07 - 1/08	Administrator	Acres Home Dialysis Center Houston, Texas
2/08 - present	Unknown	

5. On July 9, 2008, Petitioner was issued an Agreed Order by the Texas Board of Nursing which required her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), and to comply with all requirements of the TPAPN contract during its term. A copy of the July 9, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On August 18, 2009, Petitioner was issued the sanction of a Limited License by the Texas Board of Nursing. A copy of the August 18, 2009, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about June 29, 2010, Petitioner submitted a request for an Exception to the Agreed Order dated August 18, 2009, regarding license number 523111 to practice professional nursing in the State of Texas.

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. 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 and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 523111, previously issued to LEA OLIVIA MANGALINO, to practice nursing in Texas is hereby SUSPENDED, with the said suspension STAYED, and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are 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 State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

IT IS FURTHER AGREED that:

(1) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

(2) RESPONDENT SHALL, within one (1) year of entry of this, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved

provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. 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 at the following Board website address:*

*<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>*

**IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER SHALL BE UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. PETITIONER SHALL WORK A MINIMUM OF SIXTY-FOUR (64) HOURS A MONTH FOR THIRTY-SIX (36) CONSECUTIVE MONTHS. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A RN LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(3) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(4) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(5) PETITIONER SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring Investigator at the Board's office.

(6) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to

provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) RESPONDENT SHALL NOT administer or have any contact with controlled substances, NNubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 three (3) years of employment as a professional nurse.

(12) 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.**

(13) 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 once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	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 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 all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(14) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice 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 probation period, or until RESPONDENT is dismissed from therapy.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and



the signature and printed name of the chairperson of each group attended by RESPONDENT.

RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice vocational and professional nursing in the State of Texas.

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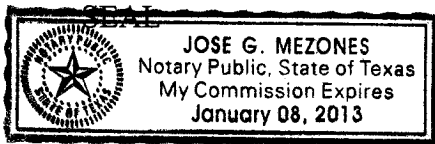
PETITIONER'S CERTIFICATION

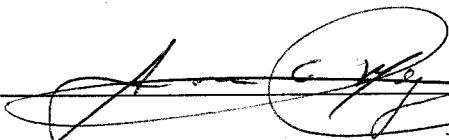
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30<sup>th</sup> day of September, 2010.

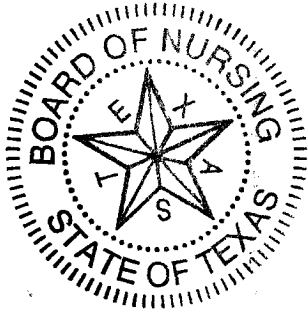
  
\_\_\_\_\_  
LEA OLIVIA MANGALINO, Petitioner

Sworn to and subscribed before me this 30<sup>th</sup> day of September, 2010.



  
\_\_\_\_\_  
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 30th day of September, 2010, by CLARA MILLS VALDEZ, Registered Nurse License Number 523111, and said Order is final.



Effective this 15th day of October, 2010.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 523111   §    AGREED  
issued to LEA OLIVIA MANGALINO       §    ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEA OLIVIA MANGALINO, License Number 523111, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 2, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of the City of Manila, Manila, Philippines, on March 28, 1979. Respondent was licensed to practice professional nursing in the State of Texas on April 19, 1985.
5. Respondent's professional nursing employment history includes:

04/1983- 04/1985

ICU Staff RN  
Joint Diseases North General Hospital  
New York, New York

Respondent's professional nursing employment history continued:

05/1985 - 01/2000	ICU Staff Nurse/Admission Nurse Coordinator Tenet Healthcare Corporation Houston, Texas
06/1998-003/2004	Facility Administrator DaVita, Inc. Houston, Texas
04/2006 - 05/2007	Facility Administrator Wt. Mt. Houston Dialysis Center, LLP Houston, Texas
09/2007 - 10/2007	Quality Improvement Staff Fresenius Medical Services of North America Houston, Texas
11/2007 - 01/2008	Facility Administrator Acres Home Dialysis Center Houston, Texas

6. On or about July 9, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), and to comply with all requirements of the TPAPN contract during its term. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 9, 2008, is attached and incorporated, by reference, as part of this Order.
7. On or about August 23, 2008, Respondent failed to comply with the Agreed Order issued to her on July 9, 2008, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Order which reads, in pertinent part:

(1) "RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of FIVE HUNDRED DOLLARS (\$500) payable to TPAPN."

Specifically, by August 23, 2008, Respondent failed to sign and execute a TPAPN participation agreement.

8. 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.

9. Formal Charges were filed on May 29, 2009.
10. Formal Charges were mailed to Respondent on June 1, 2009.

#### 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 is sufficient to prove violation of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 523111, heretofore issued to LEA OLIVIA MANGALINO, including revocation of Respondent's license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply 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 this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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 Texas Board of Nursing 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 LEA OLIVIA MANGALINO, to the office of the Texas Board of Nursing within ten (10) days from date of ratification of this Order.

(2) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(3) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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.

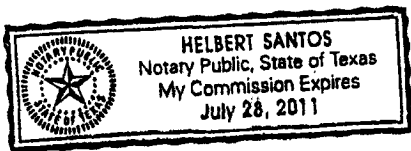
Signed this 22<sup>nd</sup> day of July, 2009.

*Lea Mangalino*  
LEA OLIVIA MANGALINO, Respondent

Sworn to and subscribed before me this 22<sup>nd</sup> day of July, 2009.

SEAL


*[Signature]*  
Notary Public in and for the State of TEXAS





WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of July, 2009, by LEA OLIVIA MANGALINO, Registered Nurse License Number 523111, and said Order is final.

Effective this 18th day of August, 2009.



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

**In the Matter of Permanent License  
Number 523111, Issued to  
LEA OLIVIA MANGALINO, Respondent**

§ **BEFORE THE TEXAS**  
§  
§ **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LEA OLIVIA MANGALINO, is a Registered Nurse holding license number 523111, which is in inactive 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 September 7, 2008, Respondent failed to comply with the Agreed Order issued to her on July 9, 2008, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number One (1) or the Order which reads, in pertinent part:

- (1) "RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, . . ."

Specifically, Respondent failed to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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).

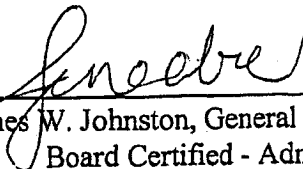
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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: Agreed Order dated July 9, 2008.

Filed this 21<sup>st</sup> day of May, 2008.

TEXAS BOARD OF NURSING

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

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated July 9, 2008

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	
License Number 523111	§	AGREED
issued to LEA OLIVIA MANGALINO	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEA OLIVIA MANGALINO, Registered Nurse License Number 523111, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 19, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, 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 Baccalaureate Degree from the University of the City of Manila, Manila, Philippines, on March 28, 1979. Respondent was licensed to practice professional nursing in the State of Texas on April 19, 1985.
5. Respondent's nursing employment history is unknown.
6. On or about October 5, 2005, Respondent pled guilty to the offense of Assault Causes Bodily Injury to a Family Member, a Class A misdemeanor, in the 178th District Court, Harris County, Texas, Cause #992267. Proceedings were deferred without adjudication and

Respondent was sentenced to nine (9) months probation and court costs in the amount of \$153. Respondent was discharged from probation on July 11, 2006.

7. On March 20, 2008, Respondent met with Dr. Joyce M. Gayles, PhD, Clinical Psychologist, Bellaire, Texas. Respondent admits to a history of illegal drug use, including marijuana, Ecstasy, and ICE. She admits to a history of abusing alcohol. In the last six months, she has used illegal drugs and has gotten "really stoned" once or twice. Respondent drank heavily during and following her divorce to numb the pain. Respondent states she used illegal drugs during that time, ecstasy at parties, and experimented with marijuana. Respondent also admits to using ICE during this time because it helped while she was working three jobs. Dr. Gayles states that Respondent should received assistance from TPAPN and random drug screening for a period of time to be determined by the Board of Nursing. Dr. Gayles also believes Respondent should received individual psychotherapy, focusing on values clarification, conflict resolution skills and parenting skills. Therapy should also address Respondent's pattern of using drugs and alcohol as a means of coping.
8. On or about July 7, 2007, Respondent submitted a written statement related to Finding of Fact number Six (6), in which she stated, "In December 2003 my husband and I got divorced. I expected my 14- and 12-year-old daughters to help with the chores and babysitting while our babysitter was on a 3-month leave. One day I found rabbit droppings in my bed, as I had several times before, and slapped my 12-year old daughter twice, warning her that if it happened again she will have to clean it up or I will have her eat the rabbit dung. My daughter wound up calling her father. My ex-husband called the police without talking to me about it. He alleged I was starving the kids and making them slaves, that I punished them severely and left them unsupervised for long periods of time. The police came to the house and arrested me. I eventually pled guilty so my daughter would not have to be subpoenaed."
9. Charges were filed on February 20, 2008.
10. Charges were mailed to Respondent on February 21, 2008.
11. Respondent's conduct described in Finding of Fact Number Six (6) was significantly influenced by Respondent's impairment by dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### 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)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)(10)(A)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 523111, heretofore issued to LEA OLIVIA MANGALINO, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to LEA OLIVIA MANGALINO, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of FIVE HUNDRED DOLLARS (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality

and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to 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 privileges, if any, to practice 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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.

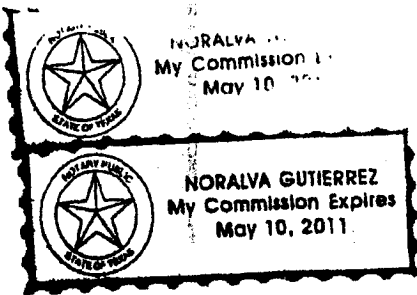
Signed this 1<sup>st</sup> day of July, 2008.

Lea Olivia Mangalino  
LEA OLIVIA MANGALINO, Respondent

Sworn to and subscribed before me this 1 day of July, 2008.

SEAL

Noralva Gutierrez  
Notary Public in and for the State of Texas





WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 1st day of July, 2008, by LEA OLIVIA MANGALINO, Registered Nurse License Number 523111, and said Order is final.

Entered and effective this 9th day of July, 2008.



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