BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 767042	§	
issued to LINDSAY REBECCA MAY	§	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, the Texas Board of Nursing, hereinafter referred to as the Boa accepted the voluntary surrender of Registered Nurse License Number 767042, issued to LINDSAY REBECCA MAY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Diploma from Baptist School of Nursing, Little Rock, Arkansas on December 1, 2005. Respondent was licensed to practice professional nursing in the State of Texas in March 30, 2009.

5. Respondent's professional nursing employment history is unknown.

6. On or about June 13, 2007, Respondent was issued a Consent Agreement and Order by the Arkansas Board of Nursing, Little Rock, Arkansas. A copy of the Findings of Fact, Conclusions of Law, and Consent Agreement and Order dated June 13, 2007 is attached and

incorporated by reference as part of this Order.

7. On or about March 16, 2009, Respondent was issued an Eligibility Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Eligibility Agreed Order dated March 16, 2009 is attached and incorporated by reference as part of this Order.

8. On or about September 9, 2009, Respondent failed to comply with the Eligibility Agreed Order issued to her by the Texas Board of Nursing on March 16, 2009. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she engaged in the use of alcohol as evidenced by a specimen she produced for a drug screen which resulted positive for Ethyl Glucuronide. Respondent also admitted to having consumed alcohol. Stipulation Number Three (3) of the Order dated March 16, 2009, states:

> "APPLICANT SHALL comply with all requirements of the TPAPN contract during its term."

On October 13, 2009, Respondent was dismissed from TPAPN and referred to the Board.

9. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states she informed her TPAPN case coordinator, Terri Shockley, RN, that she attended a wedding shower a day before and was unaware the punch that was served contained alcohol. She consumed three or four cups of punch before she felt as though it contained alcohol.

10. Formal Charges were filed on November 6, 2009.

11. Formal Charges were mailed to Respondent on November 10, 2009.

12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

14. 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.

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 a violation of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 767042, heretofore issued to LINDSAY REBECCA MAY, including revocation of Respondent's license to practice professional nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 767042, heretofore issued to LINDSAY REBECCA MAY, to practice professional nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:

one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

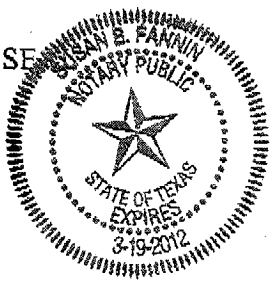
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 17 day of May, 2010.

Lindsay May

LINDSAY REBECCA MAY, Respondent

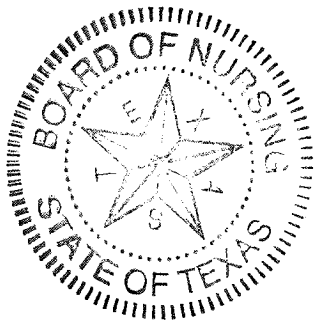
Sworn to and subscribed before me this 17th day of May, 2010.



Susan B. Fannin

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 767042, previously issued to LINDSAY REBECCA MAY.



Effective this 17th day of May, 2010.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of	§	ELIGIBILITY
LINDSAY REBECCA MAY	§	
APPLICANT for Eligibility for	§	AGREED ORDER
Licensure	§	

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by LINDSAY REBECCA MAY, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(8), Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on December 4, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about May 28, 2008, Applicant submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.252, 301.257, and 301.260 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Sections 213.30 and 217.5.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with a Diploma in Nursing from Baptist Health School of Nursing, Little Rock, Arkansas, in December 2005.

4. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on*

probation, refused to renew a professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

5. On May 22, 2007, Applicant was issued a Consent Agreement and Order by the Arkansas State Board of Nursing. A copy of the May 22, 2007, Consent Agreement and Order is attached and incorporated, by reference, as part of this Order.

6. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.

7. After considering the action taken by the Arkansas State Board of Nursing along with Applicant's conduct since May 22, 2007, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. Applicant has sworn that her past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with good professional character.

9. On December 4, 2008, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

10. Licensure of Applicant poses no direct threat to the health and safety of patients or the public, provided Applicant complies with the stipulations outlined in this Order.

11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

12. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

13. Applicant'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. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.252, 301.257, and 301.260 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Sections 213.30 and 217.5.

3. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

4. The Texas Board of Nursing may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Applicant does not currently pose a direct threat to the health and safety of patients or the public.

5. The Board may, in its discretion, order a Applicant, upon initial licensure as a registered 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 that the application of LINDSAY REBECCA MAY, APPLICANT, is hereby conditionally GRANTED and shall be subject to conditions.

(1) APPLICANT shall obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) IT IS FURTHER ORDERED that APPLICANT 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.

IN ADDITION, IT IS THEREFORE FURTHER AGREED and ORDERED that APPLICANT, upon initial licensure, SHALL comply with the following conditions for such a time as is required for APPLICANT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) APPLICANT SHALL, within forty-five (45) days of initial licensure, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500.00) payable to TPAPN.

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

(3) APPLICANT SHALL comply with all requirements of the TPAPN contract during its term.

(4) APPLICANT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

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

IT IS FURTHER AGREED and ORDERED that while Applicant's license is encumbered by this Order, Applicant 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 Applicant wishes to work.

IT IS FURTHER AGREED, SHOULD APPLICANT 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 a APPLICANT's license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application, 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 conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 5th day of March, 2009.

Lindsay Rebecca May

LINDSAY REBECCA MAY, APPLICANT

Sworn to and subscribed before me this 5th day of March, 2009

SEAL

Elmira Sue Valk

Notary Public in and for the State of Texas

ELMIRA S. VALK
Notary Public
STATE OF TEXAS
My Comm. Exp May 15 2011

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nursing for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 5th day of March, 2009, by LINDSAY REBECCA MAY, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered and effective this 16th day of March, 2009.

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

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

LINDSAY REBECCA MAY RN LICENSE NO. R74493

CONSENT AGREEMENT

A complaint charging Lindsay Rebecca May (hereinafter referred to as "Respondent") with violations of the Arkansas Nurse Practice Act has been received by the Arkansas State Board of Nursing (hereinafter referred to as "the Board"). In the interest of a prompt and speedy settlement of the above-captioned matter consistent with the public interest, statutory requirements and the responsibilities of the Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law and Order:

I. Findings of Fact

1. The Respondent is the holder of Arkansas RN License No. R74493.

2. The Respondent was charged by her employer, Baptist Health Medical Center, for testing positive for Benzodiazepine on a for cause urine drug screen after her supervisor noted that the Respondent had failed to correctly document a dose and was giving excessive doses of medications during her shifts. An audit indicated three hundred and six (306) doses of controlled substances removed from the hospital supply and not documented by the Respondent over a six (6) month period. The Respondent was terminated from employment on November 15, 2006.

3. The Respondent admitted herself to the Bridgeway and was placed in their intensive outpatient program on January 9, 2007, and completed the program on April 4, 2007.

The Respondent has joined a twelve step program and has a sponsor to help her work the steps.

II. Conclusions of Law

1. Pursuant to Ark. Code Ann. §17-87-203 and §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

2. The conduct described in the Findings of Fact constitutes a violation of Ark. Code Ann. §17-87-309(a)(4) and (a)(6).

3. The conduct described in the Findings of Fact constitutes sufficient cause pursuant to Ark. Code Ann. §17-87-309 to suspend, revoke or otherwise discipline a licensee who possesses a nursing license or the privilege to practice nursing in the State of Arkansas.

III. Order

1. The Respondent admits the Board's Findings of Fact and Conclusions of Law.

2. In lieu of a formal hearing on these issues, Respondent agrees to the issuance of the attached Order and waives all rights to a hearing, appeal or judicial review relating to the Order.

3. The Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

4. The Respondent understands that those admissions are conclusive evidence of a prior violation of the Arkansas Nurse Practice Act and may be used for the purposes of determining sanctions in any future disciplinary matter.

IN THE MATTER OF:

LINDSAY REBECCA MAY RN LICENSE NO. R74493

LM 5. The Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation is waived.

LM 6. The Respondent understands as a result of entering into this Consent Agreement that the terms of this agreement become public record and shall be reported to the National Council of State Boards of Nursing Disciplinary Data Bank and the Healthcare Integrity and Protection Data Bank.

LM 7. The Respondent understands that this Consent Agreement is effective upon its acceptance by the Board.

Lindsay May
RESPONDENT

Dated: 5/22/07

ARKANSAS STATE BOARD OF NURSING

BY: Ruthanne N. Murphy, BN, JD
RUTHANNE N. MURPHY, AR BAR NO. 90043
NURSE ATTORNEY

Leslie Suggs
WITNESS

University Tower Building, Suite 800
1123 South University Avenue
Little Rock, Arkansas 72204
(501) 686-2700

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

LINDSAY REBECCA MAY RN LICENSE NO. R74493

ORDER

In view of the above Findings of Fact, Conclusions of Law, and the consent of the Respondent, the Board hereby issues the following Order:

1. The Respondent consents to the terms and conditions of the Order and waiver of a public hearing is accepted.

2. The Respondent's license as an RN is placed on probation for three (3) years. Probation is to commence on the effective date of this Order and is subject to the following conditions:

a. Within five (5) days upon receipt of this Order, the Respondent's license must be sent to the Board so that the license can be marked "probation."

b. The Respondent must provide evidence of successful completion of a Board approved course entitled "Legal and Ethical Issues in Nursing" by November 1, 2007.

c. The Respondent must notify each present and future employer in professional nursing of this Order of the Board and the probation conditions on Respondent's license and present to every employer in professional nursing a copy of this Consent Agreement.

d. The Respondent, if employed as a nurse, must practice under an employer-impaired nurse contract. A copy of the employer-impaired nurse contract and a quarterly Performance Evaluation Report must be submitted by the employer to the Board. It is the

responsibility and duty of the Respondent to insure that the employer submits these documents in a timely fashion. The Respondent may not work in Hospice, Home Health, the Emergency Room or Critical Care during her period of supervision.

e. The Respondent must immediately notify the Board in writing of any change, even a temporary one, in name, address, or employer.

f. The Respondent may not work outside the State of Arkansas without written permission of the Arkansas State Board of Nursing and the Board of Nursing in the state where the Respondent wishes to work.

g. The Respondent shall attend AA/NA, or other Board approved treatment program and must submit quarterly reports to the Board. The 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, the purpose of the meeting, and the signature or signed initials of the chairperson of each group attended by Respondent. It is ordered that the Respondent shall attend at least two (2) AA/NA or other Board approved support group meetings a week during the period of supervision.

h. The Respondent must submit to random urine drug screens. The urine drug screens must meet the criteria established by the Board and be conducted through a Board-approved drug screen monitoring program and laboratory. Contact must be made with a Board-approved drug screen monitoring program within five (5) business days of receipt of this Order. (See Attachment No. 1)

i. The Respondent must abstain at all times from the use of controlled or abuse potential substances, including alcohol, except as prescribed by a licensed practitioner from whom medical attention is sought. Respondent shall not consume hemp, poppy seeds, or any product or by-product containing the same. Respondent shall inform all licensed practitioners who authorize prescriptions of controlled or abuse potential substances of Respondent's dependency on controlled or abuse potential substances, and Respondent shall cause all such licensed practitioners to submit a written report identifying the medication, dosage, and the date the medication was prescribed. The prescribing practitioners shall submit the report directly to the Board within ten (10) days of the date of the prescription. It is the responsibility and duty of the Respondent to insure that the prescribing practitioners submit their written reports in a timely fashion.

j. The Respondent is responsible for submitting a personal report to accompany required data to the Board on a quarterly basis. This report is due whether the Respondent is working as a nurse or not.

k. The Respondent's responsibility is to insure that all reports are submitted to the Board on a quarterly basis.

l. The Respondent shall obey all federal, state, and local laws, and all rules governing the practice of nursing in this state.

m. All costs involved in complying with this Order shall be borne by the Respondent.

n. Failure to comply with a signed Consent Agreement may result in the suspension

IN THE MATTER OF:

LINDSAY REBECCA MAY **RN LICENSE NO. R74493**

of the nurses license to practice nursing in this state.

LM 2. Verification of termination of the probationary period may be requested in a registered letter to the Board.

LM 3. In addition to the probation imposed above, the Respondent shall pay a fine of $1,500.00 pursuant to Ark. Code Ann. §17-87-104(b)(1). Such fine will be payable within fifteen (15) days of receipt of this Order or a payment schedule must be submitted within fifteen (15) days to the Arkansas State Board of Nursing.

Lindsay May
RESPONDENT

Dated: 5/22/07

ARKANSAS STATE BOARD OF NURSING

By: _____
DAN WEST, RN, PRESIDENT

Dated: 6-13-07