

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 580282
ISSUED TO
ANGELA C. LINDSEY

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Angela C. Lindsey
16143 Antietam Ave.
Baton Rouge, Louisiana 70817

During open meeting held in Austin, Texas, on June 8, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 the 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

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 for rehearing (22 TEX. ADMIN.CODE § 213.2(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.

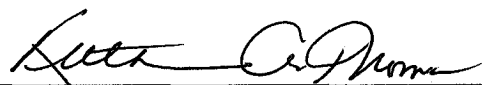
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 580282, previously issued to ANGELA C. LINDSEY, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

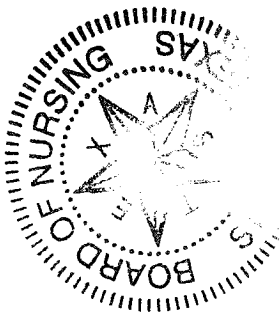
Entered this 8th day of June, 2010.

TEXAS BOARD OF NURSING

BY:



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



CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Angela C. Lindsey
16143 Antietam Ave.
Baton Rouge, Louisiana 70817



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

In the Matter of Permanent License
Number 580282, Issued to
ANGELA C. LINDSEY, Respondent

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BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANGELA C. LINDSEY, is a Registered Nurse holding license number 580282, which is in delinquent 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 June 8, 2009, Respondent failed to comply with an Agreed Order issued to Respondent by the Texas Board of Nursing on December 20, 2007. Non-compliance is the result of Respondent failure to comply with the Louisiana Recovering Nurse Program. The Agreed Order provides, in pertinent part::

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, or the Louisiana Recovering Nurse Program, a program of monitoring for chemical dependency offered by the Louisiana State Board of Nursing, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

On or about September 16, 2009., Respondent was issued a Cease And Desist letter from the Louisiana State Board of Nursing suspending Respondent's Louisiana Registered Nurse License Number 070199 for noncompliance with the Louisiana State Board of Nursing Consent Order. Non-compliance is the result of Respondent's failure to complete the Louisiana Recovering Nurse Program. A copy of the September 16, 2009 Cease and Desist letter is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1),(8) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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.

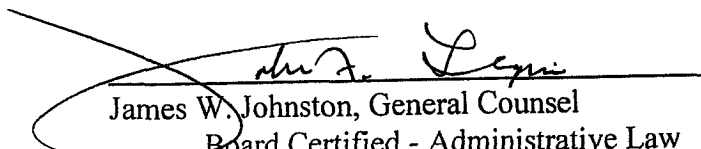
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

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 December 20, 2007 and Louisiana State Board of Board of Nursing Consent Order and Cease and Desist letter.

Filed this 11th day of March, 2010.

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

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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 December 20, 2007

0999/D

7. On or about March 18, 2007, while employed as a Registered Nurse with Aureus Medical Group, Omaha, Nebraska, and assigned at Yuma Regional Medical Center, Yuma, Arizona, and working on a multi-state privilege through her license to practice professional nursing in the State of Texas, Respondent lacked fitness to practice professional nursing in that she was lethargic during report; she could hardly keep her eyes open; she was not able to find a patient's room following report; and she said something like: "I told my husband I shouldn't come to work and he made me come." Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about March 18, 2007, while employed as a Registered Nurse with Aureus Medical Group, Omaha, Nebraska, and assigned at Yuma Regional Medical Center, Yuma, Arizona, and working on a multi-state privilege through her license to practice professional nursing in the State of Texas, Respondent engaged in the intemperate use of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam, in that Respondent produced a specimen for a drug screen which resulted positive for Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam. Possession of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam 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.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: Both of the Findings are true. She said her husband died during May 2007; she went into Detox on 06-12-07; and then she went to drug and alcohol abuse treatment. She said she completed her treatment on 09-18-07. Respondent said she is living in Louisiana and considers Louisiana as her primary State of residence. Respondent wants to participate in the Recovering Nurse Program (RNP) in Louisiana.
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. Respondent's conduct described in Findings of Fact Numbers Seven (7) and Eight (8) resulted from Respondent's impairment by dependency on chemicals.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, 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) payable to TPAPN.

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

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

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

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.

Louisiana Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this Order constitutes written permission for Respondent to participate in the Louisiana Recovering Nurse Program for chemical dependency in lieu of the TPAPN option provided Respondent applies and is accepted within ten (10) days following the date of entry of this final Order, and remains enrolled in the Louisiana Recovering Nurse Program for a minimum of two (2) years, or until successful completion of the program, whichever is of longer duration. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

Multistate Licensure

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 choose to practice in another jurisdiction pursuant to a multistate licensure privilege or apply for licensure in another jurisdiction that is a member of the Nurse Licensure Compact, she may participate in an alternative program of monitoring for chemical dependency offered by the party state Board in lieu of licensing action, provided RESPONDENT receives prior written authorization from both the Texas Board of Nursing and the party state Board.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, or the Louisiana Recovering Nurse Program, a program of monitoring for chemical dependency offered by the Louisiana State Board of Nursing, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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.

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 18 day of December, 2007.

Angela C. Lindsey
ANGELA C. LINDSEY, Respondent

Sworn to and subscribed before me this 18th day of December, 2007.

SEAL

James Galladora
Notary Public in and for the State of Louisiana

James Galladora
Notary # 312
My Commission is for life.

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 18th day of December, 2007, by ANGELA C. LINDSEY, Registered Nurse License Number 580282, and said Order is final.

Entered and effective this 20 day of December, 2007.



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

Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

<http://www.lsbn.state.la.us>

December 19, 2008

Texas Board of Nurse Examiners

Attn: **Carla Gonzalez**

Ad-Tech Assistant supervisor

NCSBN/HIPDB coordinator

333 Guadalupe, Suite 3-460

Austin, TX 78701

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **ANGELA RILES LINDSEY, SS# 437-43-0042**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this 19th day of December 2008.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant, MN, RN

BARBARA L. MORVANT, MN, RN
EXECUTIVE DIRECTOR

BOARD SEAL

By

Joy Peterson

Joy Peterson, BSN, RN
Investigations Director

Enclosures

BLM/JAP/lmt

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ANGELA RILES LINDSEY
7615 MAGNOLIA BEACH RD
DENHAM SPRINGS, LA 70726
Registrant

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CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, ANGELA RILES LINDSEY, voluntarily agree to sign and have terms of agreement for the purpose of avoiding a formal hearing with the Louisiana State Board of Nursing.

I, ANGELA RILES LINDSEY, do hereby say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I admit to and acknowledge that the Louisiana State Board of Nursing makes the following FINDINGS OF FACT:

1. On March 18, 1992, Registrant was licensed by examination as a Registered Nurse in Louisiana.
2. On December 18, 2007, Registrant signed an Agreed Order of the Board of Nurse Examiners for the State of Texas which stipulated entry into TPAPN or the Louisiana Recovering Nurse Program. (see attached Texas Order).
3. On May 8, Registrant signed a three (3) year disciplinary RNP agreement.

I hereby acknowledge that I have complied with all of the stipulations for reinstatement. I further attest to my intent to comply with all stipulations of this Consent Order.

To facilitate submission of this Consent Order, I agree that the board has jurisdiction of this matter pursuant to L.R.S. 37:921. I specifically waive my right to contest these findings in any subsequent proceedings before the Board.

In order to avoid further administrative proceedings, I hereby consent to accept and abide by the following ORDER of the Board:

That after completion of the application process the license of this registrant is reinstated with probation for (3) three years contingent upon adherence to the following stipulations:

1. Adhere to the stipulations placed upon the license by the Texas Board of Nursing.
2. Within 60 days, submit to a comprehensive 5 day in-patient psychiatric, psychological and substance abuse evaluation by a psychiatrist/addictionist and clinical psychologist who have been approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
3. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
4. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate, to the satisfaction of the Board,

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ANGELA RILES LINDSEY
7615 MAGNOLIA BEACH RD
DENHAM SPRINGS, LA 70726

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CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

- that she poses no danger to the practice of nursing or to the public and that she can safely and competently perform the duties of a Registered Nurse. If the Board approves licensure, a period of probation, along with supportive conditions or stipulations, will be required to ensure that patients and the public are protected.
5. Shall remain free of alcohol including all products containing alcohol and all unprescribed mood-altering substances. Any mood altering, addictive or dependency-inducing substance must be currently prescribed for a bona fide medical condition by a physician knowledgeable about the individual's history and the information underlying the Board's concerns. All prescribed drugs must be verified in writing to the Board on a specified form by the individual and the prescribing physicians within five (5) days of this date, and within five (5) day of any new prescriptions. The Board reserves the right to have a LSBN recognized addictionist review and approve the prescriptions for continued nursing practice.
 6. Have supervised random drug screens done at least twenty-four (24) times per year for at least the first year or as required by RNP through LSBN approved laboratory, including hair testing. Additional screenings may be requested by Board staff. Written reports of same shall be submitted to the Board.
 7. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Within 5 days, shall cause all employers to submit, in writing to the Board, that they have reviewed all pages of this Order.
 8. Have all immediate nursing supervisors submit a performance evaluation report monthly or as required by RNP, commencing from the first date of employment.
 9. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Not be employed in agency/pool/staffing, home health services, nursing homes, or long-term acute care (LTAC). Not be employed in critical care areas for at least one (1) year after returning to practice as a registered nurse. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse.
 10. Immediately (within 72 hours) inform the Board in writing of any change in address.
 11. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
 12. If unemployed, inform the Board in writing on a quarterly basis.
 13. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty-four (24) hours per week for a minimum of two (2) years.
 14. Submit \$200 to the Board as cost of Consent Order.
 15. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board.
 16. Not have any misconduct, criminal violations or convictions, or violations of any healthcare regulations reported to the Board related to this or any other incidents.
 17. Quarterly reports are due on or before the first day of January, April, July, and October. Monthly reports are due on the first of each month.
 18. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of this Registrant's

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
ANGELA RILES LINDSEY
7615 MAGNOLIA BEACH RD
DENHAM SPRINGS, LA 70726

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CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

license for a minimum of six (6) months. This suspension can be imposed by action of the Executive Director or designee subject to the discretionary review of the Board.

I, ANGELA RILES LINDSEY, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Order not be accepted by the Board, I agree that presentation to and consideration of the Consent Order, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 7 day of July, 2008.

Angela Riles Lindsey
ANGELA RILES LINDSEY

Daniel Smith
Witness

Crystal M. Kinchen
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 07/07/2008
Barbara L. Morvant, MN, RN Date
Executive Director