



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 P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 135827 §
issued to KELLEY PAIGE WYLY §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of KELLEY PAIGE WYLY, Vocational Nurse License Number 135827, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in suspended status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing
3. Respondent received a Certificate in Vocational Nursing from South Plains College, Lubbock, Texas, on August 26, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.

4. Respondent's complete Vocational Nursing employment history includes:

12/1991-10/1997	Unknown	
11/1997-05/1998	LVN	Southwest Diagnostic Clinic Lubbock, Texas
05/1998-08/04	LVN	Covenant Medical Center Lubbock, Texas

Respondent's complete Vocational Nursing employment history includes (continued):

08/04-10/04	LVN	Lakeridge Primary Health Center Lubbock, Texas
11/04-unknown	LVN	Covenant Home Health Lubbock, Texas
04/05-unknown	LVN	Nurses by Prescription Amarillo, Texas
09/05-01/08	LVN	Medical Staffing Network Lubbock, Texas
02/09-Present	LVN	Brightstar Healthcare Lubbock, Texas

5. On July 9, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing. A copy of the July 9, 2009, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
6. On or about February 8, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on July 9, 2009. Non-compliance is the result of Respondent's failure to submit items necessary to complete the Texas Peer Assistance Program for Nurses' (TPAPN) enrollment process, including Release of Information documents, Psychiatric follow-up documents, and Urine Drug Screen (UDS) registration. Stipulation Number Three (3) of the Order Dated July 9, 2009, reads, in pertinent part:
 - (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.
7. On or about March 23, 2010, Respondent was issued an Order of Temporary Suspension by the Texas Board of Nursing. A copy of the March 23, 2010, Order of Temporary Suspension is attached and incorporated, by reference, as part of this Order.
8. Charges were filed on March 24, 2010.
9. Charges were mailed to Respondent on March 24, 2010.
10. On April 2, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated April 2, 2010, is attached and incorporated herein by reference as part of this Order.

11. 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.
12. 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 violations of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 135827, heretofore issued to KELLEY PAIGE WYLY, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to KELLEY PAIGE WYLY, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. 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.
4. 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 vocational nursing in the State of Texas.

Effective this 22nd day of April, 2010.

TEXAS BOARD OF NURSING

By:


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



Kelley Paige Wyly
3108 95th Street
Lubbock, Texas 79423
Texas LVN License #135827

Voluntary Surrender Statement

March __, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Kelley Paige Wyly

Date 4-2-10

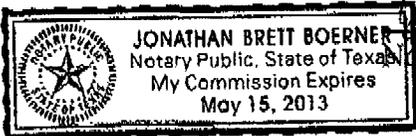
Texas Nursing License Number/s 135827

The State of Texas

Before me, the undersigned authority, on this date personally appeared KELLEY PAIGE WYLY who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 2 day of April, 2010.

SEAL



Jonathan Brett Boerner
Notary Public in and for the State of Texas

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 135827 §
issued to KELLEY PAIGE WYLY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KELLEY PAIGE WYLY, Vocational Nurse License Number 135827, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 3, 2009, 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 proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from South Plains College, Lubbock, Texas, on August 26, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.
5. Respondent's vocational nursing employment history includes:

12/91-10/97 Unknown

Respondent's vocational nursing employment history continued:

11/97-05/98	LVN	Southwest Diagnostic Clinic Lubbock, Texas
05/98-08/04	LVN	Covenant Medical Center Lubbock, Texas
08/04-10/04	LVN	Lakeridge Primary Health Center Lubbock, Texas
11/04-unknown	LVN	Covenant Home Health Lubbock, Texas
04/05-unknown	LVN	Nurses by Prescription Amarillo, Texas
09/05-01/08	LVN	Medical Staffing Network Lubbock, Texas
Unknown-Present	LVN	BrightStar Healthcare Lubbock, Texas

6. At the time of the incidents, Respondent was employed part-time as a Pediatric Home Health Nurse with Medical Staffing Network, Lubbock, Texas, and had been in this position for approximately two (2) years five (5) months.
7. On or about January 16, 2008, while employed as a Licensed Vocational Nurse with Medical Staffing Network, Lubbock, Texas, and assigned to provide home care services to a pediatric patient, Respondent lacked fitness to practice vocational nursing, in that she arrived to the patient's home forty-five (45) minutes late for her shift, she was staggering, her speech was slurred, and she smelled of alcohol. 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 January 16, 2008, while employed as a Licensed Vocational Nurse with Medical Staffing Network, Lubbock, Texas, and assigned to provide home care services to a pediatric patient, Respondent engaged in the intemperate use of alcohol, in that she admitted to having consumed alcohol before arriving at work. The use of alcohol by a Vocational 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. 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.
10. 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.
11. On or about March 18, 2009, Respondent submitted to an Addictionologist evaluation conducted by Dr. Ashot Azatian, Psychiatrist, Lubbock, Texas. He states that her alcohol use is in partial remission. She admitted to still using some alcohol on weekends and did not realize that her use of alcohol for sleep was inappropriate. Dr. Azatian concluded, in his professional opinion, "the patient may be allowed to work as a nurse. She will be able to accept nursing standards and she may be able to avoid behaviors identified by the Board as constituting nonprofessional conduct. At the same time, I believe the patient needs to have psychiatric follow-up with random urine drug screens for a period determined by the Board as well as close monitoring by her Employer."
12. Respondent's conduct described in Findings of Fact Numbers Seven (7) and Eight (8) resulted from Respondent's impairment by dependency on chemicals.
13. 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)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)(B)&(T), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)(E),(4),(5)&(10)(A):
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 135827, heretofore issued to KELLEY PAIGE WYLY, including revocation of Respondent's license to practice 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 KELLEY PAIGE WYLY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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 three hundred fifty dollars (\$350.00) 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, Texas Occupations Code, Section §§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 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.

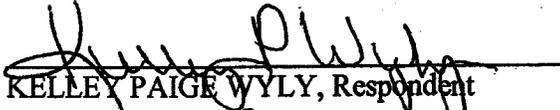
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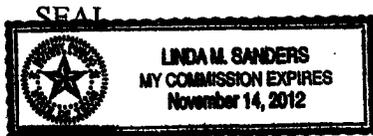
RESPONDENT'S CERTIFICATION

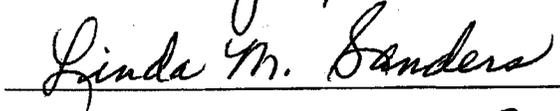
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of July, 2009.


KELLEY PAIGE WYLY, Respondent

Sworn to and subscribed before me this 1 day of July, 2009.




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, 2009, by KELLEY PAIGE WYLY, Vocational Nurse License Number 135827, and said Order is final.

Entered and effective this 9th day of July, 2009.




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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 135827, Issued to §
KELLEY PAIGE WYLY, Respondent § **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: Kelley Paige Wyly
3108 95th Street
Lubbock, Texas 79423

A public meeting was held on March 23, 2010, of the Texas Board of Nursing, at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 135827, issued to KELLEY PAIGE WYLY was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of KELLEY PAIGE WYLY and whether she failed to participate in the peer assistance program and whether the peer assistance program has issued a letter of dismissal and referral to the Board for noncompliance.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about February 8, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on July 9, 2009. Non-compliance is the result of Respondent's failure to submit items necessary to complete the Texas Peer Assistance Program for Nurses' (TPAPN) enrollment process, including Release of Information documents, Psychiatric follow-up documents, and Urine Drug Screen (UDS) registration. Stipulation Number Three (3) of the Order Dated July 9, 2009, reads, in pertinent part:

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

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(9)&(11)(B).

The Texas Board of Nursing further finds, after review and due consideration of the evidence and information presented during the open meeting, that given the nature of the allegations concerning Respondent's fitness to practice, the continued practice of nursing by KELLEY PAIGE WYLY constitutes a continuing and imminent threat to public welfare and that the temporary suspension of the Vocational Nurse License Number 135827 is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 135827, issued to KELLEY PAIGE WYLY, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than fourteen (14) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 23rd day of March, 2010.

TEXAS BOARD OF NURSING



BY:

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR