



Respondent's nursing employment history continued:

1/1990-12/1996	Nurse/PRN Baptist St. Anthony's Hospital Amarillo, Texas
12/1996-1/1998	Unknown
1/1998-3/2007	Family Nurse Practitioner Regence Health Network Tyler, Texas
3/2007-Present	Family Nurse Practitioner 24 <sup>th</sup> Street Clinic Amarillo, Texas

6. At the time of the initial incident in Finding of Fact Number Seven(7), Respondent was employed as a Family Nurse Practitioner with 24<sup>th</sup> Street Clinic, Amarillo, Texas, and had been in this position for approximately eight (8) months.
7. On or about August, 2007, through September 2007, while employed as a Family Nurse Practitioner with 24<sup>th</sup> Street Clinic, Amarillo, Texas, Respondent failed to adequately assess and evaluate Patient KM in that Respondent prescribed medications for hypertension and hyperlipidemia for said patient without obtaining baseline laboratory tests. Respondent's failure to establish baseline laboratory values exposed Patient KM to the risk of harm in that Respondent did not have a reference point from which she could establish the efficacy and/or adverse effects of the prescribed medication.
8. In response to Finding of Fact Number Seven(7), Respondent states that she provides services in a medically under served area where most patients are uninsured. Respondent adds that patient KM was uninsured and could not afford the cost of any laboratory tests. Respondent states that she felt that she needed to help this patient who had limited resources.
9. On or about August 2007, through September 2007, while employed as a Family Nurse Practitioner with 24<sup>th</sup> Street Amarillo, Texas, Respondent failed to adequately assess and evaluate Patient CB in that Respondent prescribed said patient a narcotic pain medication for back pain without ordering and/or utilizing any radiological tests. Respondent's failure exposed Patient CB to the risk of harm in that Respondent failed to confirm or rule out the root cause of Patient CB's back pain.

10. On or about August 2007, through September 2007, while employed as a Family Nurse Practitioner with 24<sup>th</sup> Street Amarillo, Texas, Respondent endangered the health of Patient CB in that Respondent prescribed "Norco 10/325 mg up to (4) tablets a day x (1) month," a narcotic analgesic, although said patient has a history of drug abuse. Respondent's action exposed said patient to the risk of continued substance abuse including a drug overdose.
11. In response to Findings of Fact Numbers Nine (9) and Ten(10), Respondent states that like most patients she attends to, Patient CM was uninsured and could not afford the cost of any radiological tests. Respondent states that the patient informed her that the cause of his pain was a "bulging disc" as diagnosed by a neurosurgeon at an earlier time. Respondent adds that she felt that she needed to help this patient by prescribing him pain medication. Respondent states that an MRI performed in September 2007, confirmed Patient CB's claim. Respondent states that she did not know, nor was she informed by anyone, that Patient CB was a substance abuser, and that she promptly discontinued any narcotic prescriptions to said patient once he exhibited drug seeking behavior.
12. On or about November 11, 2007, while employed as a Family Nurse Practitioner with 24<sup>th</sup> Street Clinic, Amarillo, Texas, Respondent inappropriately prescribed a stimulant "Adipex" to Patient JC in that said patient had a history of hypertension. Respondent's action exposed Patient JC to the risk of harm in that "Adipex" is contraindicated for Patients with hypertension.
13. In response to Finding of Fact Number Twelve (12), Respondent states that Patient JC vehemently denied any history of hypertension, and his blood pressure at Respondent's clinic reflects that it was not hypertensive. Respondent states that there is one elevated blood pressure reading taken at Respondent's clinic, but the patient insisted that it was an error by the digital machine at the clinic. Respondent states that the patient's family physician never found patient JC to be hypertensive.

#### 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)(10)&(13), Texas Occupations Code, TEX. ADMIN. CODE §217.11(1)(B), (1)(C),(1)(Q) & (4), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

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 526289, heretofore issued to MARY E. MULLIN, including revocation of Respondent's license to practice professional 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 WARNING WITH STIPULATIONS AND A FINE, 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, within one (1) year of entry of this Order 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>.*

(2)RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Pharmacology Update/Refresher for Advance Practice Nurses. 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 course and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. The six (6) hours may not be configured to include homework assignments. In order for the course to be approved, the target audience shall include Advance Practice Nurses. The course shall include content on: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, will not be

accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, available from the Board's website at <ftp://www.bon.state.tx.us/i17.pdf>, 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.

(3) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred (\$1500) dollars. RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order

of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) Should RESPONDENT choose to work as a Family Nurse Practitioner, RESPONDENT'S practice of professional nursing will be monitored for one (1) year by a Physician or Family Nurse Practitioner who has been approved by the Board. RESPONDENT must provide a list of three (3) Physicians and/or three (3) Family Nurse Practitioners from which the Board shall select. For the Physician and/or Family Nurse Practitioner, the list must include the following for each: Name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor

at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

(7) Should RESPONDENT choose to work as a Registered Nurse, RESPONDENT SHALL, for the duration of the stipulation period, 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 RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,



all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

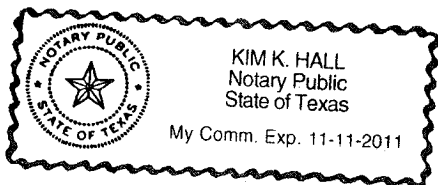
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 19th day of February, 2010.

Mary E Mullin  
MARY E. MULLIN, Respondent

Sworn to and subscribed before me this 19th day of February, 2010.

SEAL



Kim K. Hall

Notary Public in and for the State of Texas

Approved as to form and substance.

David Mullin  
David Mullin, Attorney for Respondent

Signed this 19th day of February, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19~~th~~ day of February, 2010, by MARY E. MULLIN, Registered Nurse License Number 526289, and said Order is final.

Effective this 2<sup>nd</sup> day of March, 2010.



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