BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 643523	§	AGREED
issued to MARY MICHELLE ARMENTROUT	§	ORDER

BOARD OF NURSING TEXAS
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 considered the matter of MARY MICHELLE ARMENTROUT, Registered Nurse License Numb 643523, hereinafter referred to as Respondent.

Pursuant to Section 2001.056 of the Administrative Procedure Act informal disposition of SOAH Docket No. 507-09-4219 is being made. Respondent has agreed to the entry of this Order offered on February 22, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent received a Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 1997.

3. Respondent's professional nursing employment history includes:

07/97 - 08/99	RN	Mid-Jefferson Hospital Nederland, TX
09/99 - 04/01	RN	Private Duty Orange, TX
05/01 - 09/06	RN	Renaissance Hospital Grove, TX
10/06 - Present	Unknown	

4. Before April 25, 2006, Respondent was employed as a Registered Nurse with Renaissance Hospital, Grove, Texas, and had been in this position for approximately four (4) years and eleven (11) months.

5. On or about April 25, 2006, while employed as a Registered Nurse with Renaissance Hospital, Grove, Texas, Respondent had low blood sugar, slurred speech, generalized weakness, and was falling asleep and unable to stay awake. Respondent was seen in the Emergency Room of the Hospital that day and diagnosed with hypoglycemia. Respondent's condition caused concerns about 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.

6. On or about September 11, 2006, while employed as a Registered Nurse with Renaissance Hospital, Grove, Texas, Respondent had low blood sugar, was mentally subdued, was unable to stay awake, and had slurred speech. Respondent was seen in the Emergency Room of the Hospital that day. Respondent's condition again caused concerns as to 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.

7. In Response to Finding of Fact Number Six (6), Respondent states that she is a brittle diabetic and has had other hypoglycemic episodes. On the date in question, Respondent states that she had not been sleeping well and had a bad headache. Respondent states that when she got to work, she was not feeling well and everyone noticed that she looked pale. Respondent states that the nurses had her drink orange juice with sugar because her blood sugar was extremely low and thought she was probably having a hypoglycemic episode. Respondent was taken off the clock and went to rest with ice on her forehead. Additionally, Respondent states that she was later taken to the Emergency Room.

8. On or about February 29, 2008, Respondent entered a plea of Guilty/No Contest and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Misdemeanor offense committed on November 24, 2006), filed in the County Court at Law No. 2 of Orange County, Orange, Texas, under Cause No. E96327. As a result of the conviction, Respondent was sentenced to confinement in the Orange County Jail for a period of one hundred eighty (180) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on community supervision for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs. Furthermore, Respondent was ordered to complete eighty (80) hours of community service restitution; serve thirty (30) days confinement in the Orange County Jail; attend and successfully complete the Victim's Impact Panel; attend and successfully complete a DWI Education Program; and never go on the premises(including parking lot) of a pain management clinic.

9. On or about February 12, 2010, Respondent was arrested by the Texas Highway Patrol Region 2, District B, Beaumont, Texas for DRIVING WHILE INTOXICATED - 2nd (a Class A Misdemeanor offense committed on February 12, 2010).

10. Formal Charges were filed on February 19, 2009. First Amended Formal Charges were filed on October 2, 2009.

11. Formal Charges were mailed to Respondent on February 27, 2009. First Amended Formal Charges were mailed on October 5, 2009.

12. Prior to the date set for hearing, the parties agreed to the terms of this Order. Respondent understands that she is entitled to a contested case hearing. Respondent and Board recognize that the outcome of a hearing is uncertain. To avoid that uncertainty, expense and inconvenience, Respondent is agreeable to the entry of this Order.

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)(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4)&(5).

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 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 MARY MICHELLE ARMENTROUT, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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. 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 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:

(3) 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 conditions 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.

(4) 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.

(5) RESPONDENT 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 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.

(6) 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.

(7) 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.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. Random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is 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 stipulation 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 stipulation 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 and multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of the offense as outlined in Finding of Fact Number Eleven (11), said judicial action may result in further disciplinary action up to and including Revocation of Respondent's license to practice professional nursing in the State of Texas.

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.

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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 25th day of Feb, 2010.

Mary Michelle Armentrout

MARY MICHELLE ARMENTROUT, Respondent

Sworn to and subscribed before me this 25 day of Feb, 2010.

SEAL

Christina Sterling

CHRISTINA STERLING
MY COMMISSION EXPIRES
April 7, 2012

Notary Public in and for the State of Texas

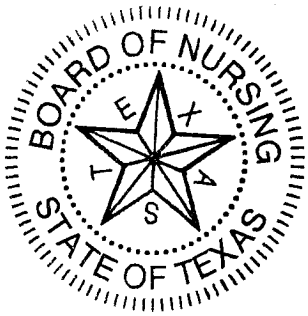
Approved as to form and substance.

ACE PICKENS, Attorney for Respondent

Signed this 25 day of Feb, 2001

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the _25th_ day of _February, 20 10 __, by MARY MICHELLE ARMENTROUT, Registered Nurse License Number 643523, and said Order is final.

Effective this 23rd day of March, 20 10



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