



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 § AGREED
License Number 108597 §
issued to GAYLA BETH MAYES § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 108597, issued to GAYLA BETH MAYES, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Gainesville Memorial, Gainesville, Texas, on January 18, 1983. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.
5. Respondent's complete vocational nursing employment history is unknown.

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Care Inn of Sanger, Sanger, Texas, and had been in this position for two (2) months.
7. On or about January 19, 2007, while employed at Care Inn of Sanger, Sanger, Texas, Respondent lacked fitness to practice vocational nursing in that Respondent exhibited impaired behavior while on duty including, but not limited to, slurred speech, unable to move out of her chair or do assigned tasks during the shift, and staring at the wall. 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 February 7, 2007, through February 8, 2007, while employed at Care Inn of Sanger, Sanger, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited impaired behavior while on duty, including but not limited to slurred speech, appeared sleepy, and starring at the wall. 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.
9. On or about February 8, 2007, while employed at Care Inn of Sanger, Sanger, Texas, Respondent misappropriated Lortab belonging to the facility and patients thereof, or failed to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about February 8, 2007, while employed at Care Inn of Sanger, Sanger, Texas, Respondent engaged in the intemperate use of Opiates in that she submitted a specimen for a drug screen which resulted positive for the presence of Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates by a Licensed 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.
11. On or about March 4, 2009, Respondent stated to the Board that she is attending MHMR Services of Texoma. Respondent has been treated for depression, chronic neck pain, and bipolar disorder. Her current medications include, but are not limited to; Klonopin, Prozac, Oxycontin and Ambien.

12. On or about May 18, 2009, the Board received written notification of Respondent's wish to voluntarily surrender her vocational nursing license.
13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
14. 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.
15. 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 violations of Section 301.452(b) (10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (5),(6)(G)&(10)(A)&(D) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 108597, heretofore issued to GAYLA BETH MAYES, including revocation of Respondent's license to practice 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 Vocational License Number 108597, heretofore issued to GAYLA BETH MAYES, to practice 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 immediately deliver the wallet-sized license, heretofore issued to GAYLA BETH MAYES, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "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 multistate privilege, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

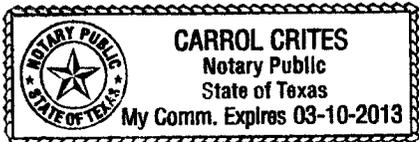
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 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 June, 2009.

Gayla Beth Mayes
GAYLA BETH MAYES, Respondent

Sworn to and subscribed before me this 17 day of June, 2009.

SEAL



Carrol Crites
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 the voluntary surrender of Vocational Nurse License Number 108597, previously issued to GAYLA BETH MAYES.

Effective this 24th day of June, 2009.



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