



5. Respondent's nursing employment history includes:

12/1992 - 05/1993	Licensed Vocational Nurse	Coronado Hospital Pampa, Texas
06/1993 - 10/1993	Unknown	
11/1993 - 05/1994	Licensed Vocational Nurse	IHS of Amarillo Amarillo, Texas
06/1994 - 08/1996	Unknown	
09/1996 - 01/2000	Licensed Vocational Nurse	Vivian's Nursing Home Amarillo, Texas
02/2000 - 04/2000	Unknown	
05/2000 - 06/2000	Licensed Vocational Nurse	Northwest Texas Healthcare System, Amarillo, Texas
07/2000 - 02/2006	Registered Nurse, Coronary Care Unit (CCU)	Northwest Texas Healthcare System, Amarillo, Texas
01/2006 - Present	Registered Nurse	Plum Creek Specialty Hospital Amarillo, Texas

6. On or about May 10, 2000, while applying for licensure by examination as a Registered Nurse in the State of Texas with the Board, Respondent falsely attested to Eligibility Question Number II, which stated, in relevant part, that he "(Had) never been convicted of any crime other than a minor traffic violation."

On March 16, 1989, Respondent plead guilty to, and was convicted of, "Evading Arrest," a Class B Misdemeanor offense which occurred on October 9, 1988, in the County Court of Law No. 2 in and for Potter County, Amarillo, Texas, Cause Number 51521. Respondent's conduct may have affected the Board's decision regarding his licensure.

7. On or about July 2, 2006, while renewing his licensure as a Registered Nurse in the State of Texas with the Board, Respondent falsely answered "No" to Mandatory Renewal Question Number Three (3), which asked in relevant part, "In the past 5 years, have you been diagnosed with or treated for ... bipolar disorder ...?"

On or about February 9, 2005, Respondent was diagnosed with and treated for bipolar disorder by Alex V. Natividad, MD, Amarillo, Texas. Respondent's conduct may have affected the Board's decision regarding his licensure renewal.

8. At the time of the incident in Finding of Fact Number Nine (9), Respondent was employed as a Registered Nurse in the Cardiac Care Unit at Northwest Texas Healthcare System, Amarillo, Texas, and had been in this position for four (4) years and five (5) months.
9. On or about December 2004 through March 2006, while employed with Northwest Texas Healthcare System, Amarillo, Texas, Respondent accepted assignments of providing care to patients while Respondent may have lacked fitness to safely practice, in that during that period Respondent engaged in threatening behavior, including angry and uncontrolled outbursts, as well as altering his prescribed medication regimen without physician authorization. Respondent was unable to listen, hear and understand information being presented by co-workers and nursing management. Respondent's conduct was likely to injure patients in that he may have been unable to detect changes in patients' conditions and institute appropriate nursing interventions to patients under his care.
10. On or about December 22, 2004, while employed with Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to administer medications to patients as ordered by the physician, and instead, disposed of the medications in a trash can and falsely documented that they had been administered. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-*efficacious* treatment.
11. In response to the incidents in Findings of Fact Numbers Six (6) through Ten (10), Respondent states that he answered "no" to question number two (2) on his application for licensure to the Board because he misunderstood a conversation with Board staff regarding youthful indiscretions and what was required to be reported. He did not report the diagnosis of Bipolar Disorder because he believed that it was not a clear diagnosis, but a potential diagnosis, and he wanted to wait until there was a final determination. Respondent states that the "outbursts" occurred when he was on three (3) different anti-depressants and he believes the medications affected his personality and he states he has had no similar incidents since ceasing the use of the multiple medications. Respondent did not perceive himself as angry and states his intention was to "vent" with his supervisor. Respondent states that the reason he threw the medications away was because the patient in question had refused his medications three (3) different times that day.
12. On or about July 21, 2008, Respondent underwent a Psychological Evaluation performed by Mark W. Izzard, Psy.D., which indicated that Respondent was oriented in all three spheres, his thoughts were logical and organized, and he exhibited no indications of any overt psychological pathology, and that he had a "Low Probability" of having a substance dependence disorder. In a letter to the Board dated June 25, 2007, Dr. Izzard stated that Respondent had not exhibited symptoms of Bipolar Disorder. In a subsequent letter to the Board dated December 9, 2008, Dr. Izzard reported that "During my evaluations and observations of Mr. Mahon, I have found no evidence indicating that he exhibits symptoms consistent with a diagnosis of Bipolar Disorder. It is therefore my recommendation that he does not require treatment for this disorder and Mr. Mahon has exhibited no other symptomatic issues for which I would recommend further treatment."

## 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)(2), (10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C)&(1)(D)[*effect. 9/28/04*]; 217.12(1)&(22)[*effect. 9/99-9/27/04*]; and 217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(A),(6)(F),(6)(H)&(10)(B)[*effect. 09/28/04*].
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 140296 and Registered Nurse License Number 669485, heretofore issued to MARK EDWARD MAHON, including revocation of Respondent's licenses to practice 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 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 privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to MARK EDWARD MAHON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) contact 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 Chemical Dependency, 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>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) 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) OR A VOCATIONAL NURSE (LVN) 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 licenses. 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 licenses. 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) 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.

(7) 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, RESPONDENT SHALL be issued unencumbered licenses 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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of December, 2008.

Mark Mahon R.N.  
MARK EDWARD MAHON, Respondent

Sworn to and subscribed before me this 29th day of December, 2008.

SEAL

Stephanie Moore

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Taralynn R. Mackay  
Taralynn Mackay, Attorney for Respondent

Signed this 24th day of December, 2008.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26<sup>th</sup> day of December, 2008, by MARK EDWARD MAHON, Registered Nurse License Number 669485 and Vocational Nurse License Number 140296, and said Order is final.

Effective this 10<sup>th</sup> day of February, 2009.



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

