

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 619817 & 148258
ISSUED TO
MARY STUART

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF 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.
Patricia P. Johnson
Executive Director of the Board

ORDER OF THE BOARD

TO: Mary Stuart
5768 CR 103 N
Henderson, Texas 75652

During open meeting held in Austin, Texas, on Tuesday, August 14, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Numbers 619817 & 148258, previously issued to MARY STUART, to practice professional and vocational nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 619817 & 148258, previously issued to MARY STUART, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional and vocational nursing in the State of Texas.

Entered this 14th day of August, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



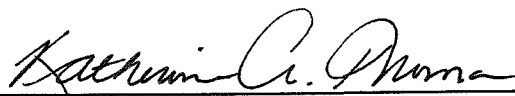
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Numbers 619817 & 148258
Issued to MARY STUART
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20 __, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Mary Stuart
5768 CR 103 N
Henderson, Texas 75652

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Registered Nurse License § BEFORE THE BOARD
Number 619817 and Vocational Nurse § OF NURSE EXAMINERS
License Number 148258, Issued to § FOR THE STATE OF TEXAS
MARY (DIANE) STUART, Respondent

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY (DIANE) STUART, is a Registered Nurse holding license number 619817, which is in delinquent status at the time of this pleading, and Vocational Nurse License Number 148258, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 27, 2005, while employed at Longview Regional Medical Center, Longview, Texas, Respondent withdrew four (4) Demerol syringes from the Acudose medication dispensing system for Patient Medical Record Number BE01003597, and falsely documented the administration of the medication in the patient's Medication Administration Record (MAR), in that the patient denied receiving any intramuscular injections and upon examination, the patient's dorsogluteal, ventrogluteal, and anterolateral thigh showed no signs of an injection site, including lack of bruising, redness, band-aides, and tenderness to the touch. Respondent's conduct was likely to deceive subsequent caregivers who would rely on her documentation to further medicate the patient.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(H)&(10)(B).

CHARGE II.

On or about April 27, 2005, while employed at Longview Regional Medical Center, Longview, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof. Respondent's conduct defrauded the facility and patients thereof of the cost of the medications and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

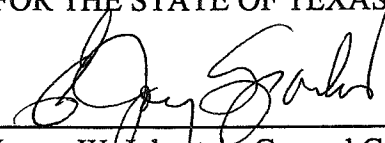
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, Lying and Falsification, and Fraud, Theft and Deception, which can be found at the Board's website, www.bne.state.tx.us.

Filed this 11th day of May, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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