

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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 523111 § AGREED
issued to LEA OLIVIA MANGALINO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of LEA OLIVIA MANGALINO, Registered Nurse License Number 523111, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 19, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree from the University of the City of Manila, Manila, Philippines, on March 28, 1979. Respondent was licensed to practice professional nursing in the State of Texas on April 19, 1985.
5. Respondent's nursing employment history is unknown.
6. On or about October 5, 2005, Respondent pled guilty to the offense of Assault Causes Bodily Injury to a Family Member, a Class A misdemeanor, in the 178th District Court, Harris County, Texas, Cause #992267. Proceedings were deferred without adjudication and

Respondent was sentenced to nine (9) months probation and court costs in the amount of \$153. Respondent was discharged from probation on July 11, 2006.

7. On March 20, 2008, Respondent met with Dr. Joyce M. Gayles, PhD, Clinical Psychologist, Bellaire, Texas. Respondent admits to a history of illegal drug use, including marijuana, Ecstasy, and ICE. She admits to a history of abusing alcohol. In the last six months, she has used illegal drugs and has gotten "really stoned" once or twice. Respondent drank heavily during and following her divorce to numb the pain. Respondent states she used illegal drugs during that time, ecstasy at parties, and experimented with marijuana. Respondent also admits to using ICE during this time because it helped while she was working three jobs. Dr. Gayles states that Respondent should received assistance from TPAPN and random drug screening for a period of time to be determined by the Board of Nursing. Dr. Gayles also believes Respondent should received individual psychotherapy, focusing on values clarification, conflict resolution skills and parenting skills. Therapy should also address Respondent's pattern of using drugs and alcohol as a means of coping.
8. On or about July 7, 2007, Respondent submitted a written statement related to Finding of Fact number Six (6), in which she stated, "In December 2003 my husband and I got divorced. I expected my 14- and 12-year-old daughters to help with the chores and babysitting while our babysitter was on a 3-month leave. One day I found rabbit droppings in my bed, as I had several times before, and slapped my 12-year old daughter twice, warning her that if it happened again she will have to clean it up or I will have her eat the rabbit dung. My daughter wound up calling her father. My ex-husband called the police without talking to me about it. He alleged I was starving the kids and making them slaves, that I punished them severely and left them unsupervised for long periods of time. The police came to the house and arrested me. I eventually pled guilty so my daughter would not have to be subpoenaed."
9. Charges were filed on February 20, 2008.
10. Charges were mailed to Respondent on February 21, 2008.
11. Respondent's conduct described in Finding of Fact Number Six (6) was significantly influenced by Respondent's impairment by dependency on chemicals.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)(10)(A)&(13).
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 523111, heretofore issued to LEA OLIVIA MANGALINO, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to LEA OLIVIA MANGALINO, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of FIVE HUNDRED DOLLARS (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality

and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 the State of Texas.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 1st day of July, 2008.

Lea Olivia Mangalino
LEA OLIVIA MANGALINO, Respondent

Sworn to and subscribed before me this 1 day of July, 2008.

SEAL

Noralva Gutierrez
Notary Public in and for the State of Texas



NORALVA GUTIERREZ
My Commission Expires
May 10, 2011



NORALVA GUTIERREZ
My Commission Expires
May 10, 2011

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 1st day of July, 2008, by LEA OLIVIA MANGALINO, Registered Nurse License Number 523111, and said Order is final.

Entered and effective this 9th day of July, 2008.



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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 523111, Issued to §
LEA OLIVIA MANGALINO, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LEA OLIVIA MANGALINO, is a Registered Nurse holding license number 523111, 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 October 5, 2005, Respondent entered a plea of Guilty to ASSAULT - FAMILY VIOLENCE (a Third Degree felony offense committed on June 25, 2004, subsequently reduced by the State to a lesser Class A misdemeanor), in the 178th District Court of Harris County, Texas, under Cause No. 992267. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of nine (9) months. Additionally, Respondent was ordered to pay court costs.

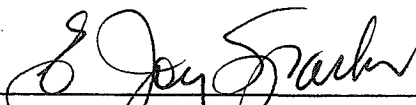
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

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.bon.state.tx.us.

Filed this 20th day of February, 2008.

TEXAS BOARD OF NURSING



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