

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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| In the Matter of Vocational Nurse | § | AGREED |
| License Number 137562 | § | |
| issued to MISTY LEIGH WOOLSEY | § | ORDER |

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MISTY LEIGH WOOLSEY, Vocational Nurse License Number 137562, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452 (b) (9) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 12, 2006, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on January 7, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1992.
5. Respondent's vocational nursing employment history includes:

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|----------------|---|-------------|--|
| May 1992 | - | August 2002 | Unknown |
| September 2002 | - | April 2003 | LVN Charge Nurse Benbrook Nursing and Rehabilitation Benbrook, Texas |

Respondent's vocational nursing employment history continued:

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|----------------|---|-------------|---|
| April 2003 | - | June 2003 | LVN Charge Nurse Southwest Nursing & Rehabilitation Fort Worth, Texas |
| July 2003 | - | August 2003 | Unknown |
| September 2003 | - | March 2004 | LVN Charge Nurse Citi View Care Center Fort Worth, Texas |
| April 2004 | - | June 2004 | LVN Charge Nurse Grace Ponds Care Center Fort Worth, Texas |
| June 2004 | - | July 2004 | LVN Charge Nurse Lake Lodge Care Center Fort Worth, Texas |
| August 2004 | - | August 2004 | LVN Charge Nurse Maxim Healthcare Services Fort Worth, Texas |
| August 2004 | - | Present | Unknown |

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was seeking employment as a Staff Nurse with Maxim Health Care Services, Fort Worth, Texas.
7. On or about August 31, 2004, while seeking employment with Maxim Health Care Services, Fort Worth, Texas, Respondent engaged in the imtemperate use of Methadone and 2-ethylidene-1,5-dimethyl-3, 3-diphenylpyrrolidine (EDDP) in that Respondent submitted a urine specimen for a pre-employment drug screen that resulted positive for Methadone and EDDP. Respondent is currently a client at Tarrant County Medial Education and Research Foundation (TCMERF), a substance abuse treatment program, and has been enrolled since August 14, 2004. Respondent is under the care of TCMERF Program Physician, Dr. Rosalind M. Glenn, and she has prescribed methadone for the Respondent. Respondent's conduct could affect her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about December 5, 2005, Respondent submitted a license renewal application to the Board of Nurse Examiners for the State of Texas in which Respondent answered "yes" to number seven (7), which states in pertinent part: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN).
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to imtemperate use of controlled substances or chemical dependency.

10. Respondent's conduct described in Finding of Fact Number Seven (7) resulted from Respondent's dependency on chemicals.
11. 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) (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 239.11 (28).
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 137562, heretofore issued to MISTY LEIGH WOOLSEY, including revocation of Respondent's vocational license to practice 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

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

confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

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 vocational 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 State of Texas 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 vocational nursing in the State of Texas.

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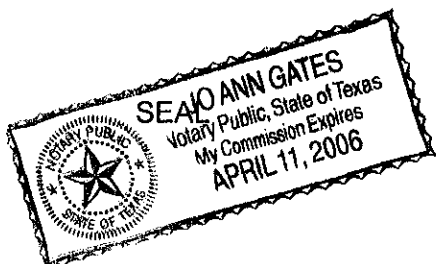
RESPONDENT'S CERTIFICATION

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 Board of Nurse Examiners, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1 day of March, 2006.

Misty Leigh Woolsey
MISTY LEIGH WOOLSEY, Respondent

Sworn to and subscribed before me this 1 day of March, 2006.



Seajo Ann Gates
Notary Public in and for the State of _____

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 1st day of March, 2006, by MISTY LEIGH WOOLSEY, Vocational Nurse License Number 137562, and said Order is final.

Effective this 3rd day of March, 2006.



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