

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 580282 § AGREED  
issued to ANGELA C. LINDSEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANGELA C. LINDSEY, Registered Nurse License Number 580282, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 24, 2007, 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 holds a license to practice professional nursing in the State of Texas which is in Delinquent status.
4. Respondent received an Associate Degree in Nursing from Louisiana State University, Alexandria, Louisiana, on December 18, 1991. Respondent was licensed to practice professional nursing in the State of Texas on June 22, 1992.
5. Respondent's complete professional nursing employment history is unknown.
6. At the time of the incident, Respondent was employed as a Registered Nurse with Aureus Medical Group, Omaha, Nebraska, and assigned at Yuma Regional Medical Center, Yuma, Arizona, and had been in this position for approximately twenty-one (21) days.

7. On or about March 18, 2007, while employed as a Registered Nurse with Aureus Medical Group, Omaha, Nebraska, and assigned at Yuma Regional Medical Center, Yuma, Arizona, and working on a multi-state privilege through her license to practice professional nursing in the State of Texas, Respondent lacked fitness to practice professional nursing in that she was lethargic during report; she could hardly keep her eyes open; she was not able to find a patient's room following report; and she said something like: "I told my husband I shouldn't come to work and he made me come." 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 March 18, 2007, while employed as a Registered Nurse with Aureus Medical Group, Omaha, Nebraska, and assigned at Yuma Regional Medical Center, Yuma, Arizona, and working on a multi-state privilege through her license to practice professional nursing in the State of Texas, Respondent engaged in the intemperate use of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam, in that Respondent produced a specimen for a drug screen which resulted positive for Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam. Possession of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Triazolam, Dihydrocodeine, Meprobamate, Methadone, Hydrocodone, Hydromorphone and Midazolam by a Registered 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.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states: Both of the Findings are true. She said her husband died during May 2007; she went into Detox on 06-12-07; and then she went to drug and alcohol abuse treatment. She said she completed her treatment on 09-18-07. Respondent said she is living in Louisiana and considers Louisiana as her primary State of residence. Respondent wants to participate in the Recovering Nurse Program (RNP) in Louisiana.
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. Respondent's conduct described in Findings of Fact Numbers Seven (7) and Eight (8) resulted from Respondent's impairment by dependency on chemicals.

(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 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 contract to the Texas Board of Nursing.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing 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.

Louisiana Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this Order constitutes written permission for Respondent to participate in the Louisiana Recovering Nurse Program for chemical dependency in lieu of the TPAPN option provided Respondent applies and is accepted within ten (10) days following the date of entry of this final Order, and remains enrolled in the Louisiana Recovering Nurse Program for a minimum of two (2) years, or until successful completion of the program, whichever is of longer duration. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

Multistate Licensure

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 choose to practice in another jurisdiction pursuant to a multistate licensure privilege or apply for licensure in another jurisdiction that is a member of the Nurse Licensure Compact, she may participate in an alternative program of monitoring for chemical dependency offered by the party state Board in lieu of licensing action, provided RESPONDENT receives prior written authorization from both the Texas Board of Nursing and the party state Board.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, or the Louisiana Recovering Nurse Program, a program of monitoring for chemical dependency offered by the Louisiana State Board of Nursing, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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 18 day of December, 2007.

Angela C. Lindsey  
ANGELA C. LINDSEY, Respondent

Sworn to and subscribed before me this 18<sup>th</sup> day of December, 2007.

SEAL

James Galladora  
Notary Public in and for the State of LOUISIANA

*James Galladora*  
*Notary # 312*  
*My Commission is for life.*

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 18th day of December, 2007, by ANGELA C. LINDSEY, Registered Nurse License Number 580282, and said Order is final.

Entered and effective this 20 day of December, 2007.



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