

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License §  
Number 608698 and Vocational Nurse § AGREED  
License Number 129711, issued to § ORDER  
PATRICIA CAROL MUNDY §

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, issued to PATRICIA CAROL MUNDY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Midland College, Midland, Texas, on August 30, 1990 and received an Associate Degree in Nursing from Odessa College, Odessa, Texas, in May 1994. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990 and was licensed to practice professional nursing in the State of Texas on July 28, 1994.

5. Respondent's professional and vocational nursing employment history includes:

08/90 - 11/30/04	GVN/LVN/RN Midland Memorial Hospital Midland, Texas
12/04 - 02/06	Unknown
03/06 - 07/06	Charge Nurse Select Specialty Hospital Midland, Texas
08/06 - Present	Unknown

6. On February 19, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to successfully complete the Texas Peer Assistance Program for Nurses. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 19, 2007, is attached and incorporated by reference as part of this Order.

7. On or about April 30, 2007, Respondent failed to comply with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on February 19, 2007. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Order which reads, in pertinent part:

(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 (\$500) dollars payable to TPAPN.

Respondent failed to submit enrollment documents and payment of the five hundred dollar participation fee to TPAPN within forty-five (45) days of entry of the final Order.

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

10. 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.

### 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 a violation of Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, heretofore issued to PATRICIA CAROL MUNDY, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, heretofore issued to PATRICIA CAROL MUNDY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized licenses, heretofore issued to PATRICIA CAROL MUNDY, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

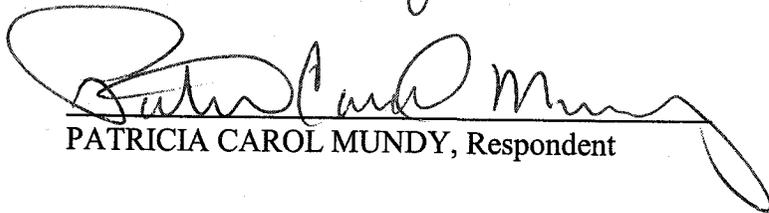
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RESPONDENT'S CERTIFICATION

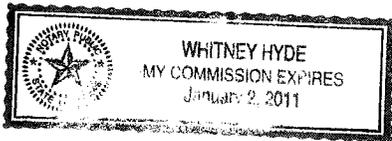
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 17 day of January, 2008

  
PATRICIA CAROL MUNDY, Respondent

Sworn to and subscribed before me this 17<sup>th</sup> day of January, 2008.

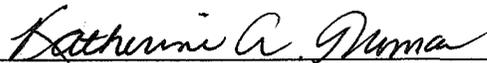
SEAL



Whitney Hyde  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, previously issued to PATRICIA CAROL MUNDY.

Effective this 24<sup>th</sup> day of January, 2008.



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

**BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS**

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In the Matter of Registered Nurse License	§	
Number 608698 and Vocational Nurse	§	AGREED
License Number 129711, issued to	§	ORDER
PATRICIA CAROL MUNDY	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of PATRICIA CAROL MUNDY, Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3)(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 December 11, 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 professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Midland College, Midland, Texas, on August 30, 1990 and received an Associate Degree in Nursing from Odessa College, Odessa, Texas, in May 1994. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990 and was licensed to practice professional nursing in the State of Texas on July 28, 1994.

5. Respondent's professional and vocational nursing employment history includes:

08/90 - 11/30/04	GVN/LVN/RN	Midland Memorial Hospital Midland, Texas
12/04 - 02/06	Unknown	
03/06 - 07/06	Charge Nurse	Select Specialty Hospital Midland, Texas
08/06 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Midland Memorial Hospital, Midland, Texas, and had been in this position for eleven (11) years and one (1) month.

7. On or about September 13, 2001, while employed at Midland Memorial Hospital, Midland, Texas, Respondent engaged in the intemperate use of alcohol. The use of alcohol by a 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.

8. On or about September 13, 2001, while employed at Midland Memorial Hospital, Midland, Texas, Respondent lacked fitness to practice professional nursing in that she presented to duty with the odor of alcohol on her breath, and "seemed in a daze," according to witnesses. Respondent's conduct 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.

9. On or about October 29, 2003, while employed at Midland Memorial Hospital, Midland, Texas, Respondent engaged in the intemperate use of alcohol and benzodiazepines in that she submitted a specimen for a drug screen which resulted positive for alcohol and benzodiazepines. Possession of benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of alcohol and benzodiazepines by a 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.

10. On or about January 13, 2005, Respondent was convicted of the offense DRIVING WHILE INTOXICATED, a misdemeanor, in the County Court of Midland County, Texas, cause number 106110. Respondent was sentenced to ninety (90) days in the County Jail of Midland County, Texas, and assessed fines and court costs totaling seven hundred seventy-six dollars (\$776). The imposition of Respondent's confinement was suspended and Respondent was placed on community supervision for fifteen (15) months.

11. On or about January 13, 2005, Respondent was convicted of the offense FAILURE TO STOP AND GIVE INFORMATION, a misdemeanor, in the County Court of Midland County, Texas, cause number 106111. Respondent was sentenced to ninety (90) days in the County Jail of Midland County, Texas, and assessed fines, court costs, and restitution totaling one thousand ninety-one dollars and seventeen cents (\$1091.17). The imposition of Respondent's confinement was suspended and Respondent was placed on community supervision for eighteen (18) months.
12. On or about January 13, 2005, Respondent was convicted of the offense FAILURE TO STOP AND GIVE INFORMATION, a misdemeanor, in the County Court of Midland County, Texas, cause number 106303. Respondent was sentenced to ninety (90) days in the County Jail of Midland County, Texas, and assessed fines, court costs, and restitution totaling one thousand seven hundred twelve dollars and seventy-nine cents (\$1712.79). The imposition of Respondent's confinement was suspended and Respondent was placed on community supervision for eighteen (18) months.
13. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. 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.
15. Charges were filed on June 30, 2006.
16. Charges were mailed to Respondent on July 19, 2006.
17. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.
18. 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 violation of Section 301.452(b)(3)(9)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(12) and §217.12(13)(effective September 28, 2004).

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 608698 and Vocational Nurse License Number 129711, heretofore issued to PATRICIA CAROL MUNDY, including revocation of Respondent's licenses to practice professional and vocational 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 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 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 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

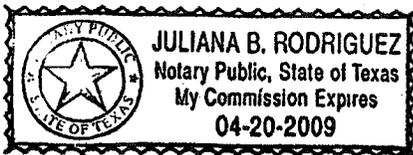
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 08 day of Feb, 2007

Patricia Carol Mundy  
PATRICIA CAROL MUNDY, Respondent

Sworn to and subscribed before me this 8<sup>th</sup> day of Feb, 2007.

SEAL



Juliana B. Rodriguez  
Notary Public in and for the State of Texas

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 30<sup>th</sup> day of January, 2007, by PATRICIA CAROL MUNDY, Registered Nurse License Number 608698 and Vocational Nurse License Number 129711, and said Order is final.

Entered and effective this 19<sup>th</sup> day of February, 2007.

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