BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§
License Number 651777	§
issued to MANDY PYLE	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 651777, issued to MANDY PYLE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal conference, notice and hearing.

3. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 23, 1998.

4. Respondent's professional nursing employment history includes:

June 1998 - November 1999	PRN RN Trinity Mother Frances Hospital System Tyler, Texas

Respondent's professional nursing employment history continued:

April 1999 - November 1999	Staff RN Office of Dr. Laura Haygood Tyler, Texas
December 1999 - January 2005	Staff RN East Texas Medical Center Tyler, Texas
February 2005 - October 2007	PRN RN East Texas Medical Center Tyler, Texas
November 2007 - Present	Unknown

5. On or about February 1, 2008, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 1, 2008, is attached and incorporated by reference as part of this Order.

6. On March 4, 2008, Respondent returned Registered Nurse License Number 651777, and on March 13, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the notarized statement is attached and incorporated, by reference, as part of this Order.

7. 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.

8. 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. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 651777, heretofore issued to MANDY PYLE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. 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.

3. 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 licensure privilege, if any, to practice professional nursing in compact states.

Effective this _18th____ day of March, 2008.

TEXAS BOARD OF NURSING

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 651777	§	
issued to MANDY PYLE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MANDY PYLE, Registered Nurse License Number 651777, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10), (12) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 14, 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 an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 23, 1998.

5. Respondent's professional nursing employment history includes:

June 1998 - November 1999	PRN RN Trinity Mother Frances Hospital System Tyler, Texas

Respondent's professional nursing employment history continued:

April 1999 - November 1999	Staff RN Office of Dr. Laura Haygood Tyler, Texas
December 1999 - January 2005	Staff RN East Texas Medical Center Tyler, Texas
February 2005 - October 2007	PRN RN East Texas Medical Center Tyler, Texas

6. At the time of the following incidents, Respondent was employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, and had been in this position for six (6) years and five (5) months.

7. On or about May 7, 2006, through May 17, 2006, while employed with East Texas Medical Center, Tyler, Texas, Respondent removed Vicodin ES, Percocet and Ambien from the Pyxis medication dispensing system for patients but failed to accurately and/or completely document the administration of the medications in the patients' Medication Administration Records (MAR) as follows:

Pyxix Report Date & Time	Patient MR#	Medication Pulled & Qty.	Physician's Order	MAR	Wastage
05/07/06 0604	023-90-06	Vicodin ES (2)	Vicodin (1) Q4H PRN	None documented	None
05/07/06 1641	023-90-06	Vicodin ES (2)	Vicodin (1) Q4H PRN	None documented	None
05/17/06 1139	058-08-24	Vicodin ES (2)	Vicodin (1-2) Q4-6H PRN	None documented	None
05/17/06 1648	058-08-24	Vicodin ES (2)	Vicodin (1-2) Q4-6H PRN	None documented	None
05/17/06 1144	045-52-90	Vicodin ES (2)	Vicodin (1-2) Q4H PRN	None documented	None
05/17/06 1317	055-43-29	Percocet (2)	None	None documented	None

05/17/06 1552	055-43-29	Ambien (1)	None	None documented	None
05/17/06 1552	055-43-29	Vicodin ES (2)	None	None documented	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

8. On or about May 7, 2006, through May 17, 2006, while employed with East Texas Medical Center, Tyler, Texas, Respondent removed Vicodin ES, Percocet and Ambien from the Pyxis medication dispensing system for patients in excess dosage and/or without valid physician's orders but failed to follow policy and procedure in place for the proper wastage of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about May 7, 2006, through May 17, 2006, while employed with East Texas Medical Center, Tyler, Texas, Respondent misappropriated Vicodin ES, Percocet and Ambien belonging to the facility and patients thereof, in that she admitted to her supervisor that she misappropriated the medications for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

10. On or about May 17, 2006, while employed with East Texas Medical Center, Tyler, Texas, Respondent engaged in the intemperate use of Vicodin ES, Percocet and Ambien in that she admitted to her supervisor that she engaged in such intemperate use. Possession of Vicodin ES, Percocet and Ambien is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Vicodin ES, Percocet and Ambien 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.

11. On or about August 21, 2006, while employed with East Texas Medical Center, Tyler, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate and/or unlawful use of Tramadol in that she submitted a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.

12. On or about October 18, 2007, while employed with East Texas Medical Center, Tyler, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent removed Norco from the Pyxis medication dispensing system for patients but failed to accurately and/or completely document the administration of the Norco in the patients' Medication Administration Records (MAR) as follows:

Pyxix Report Date & Time	Patient MR#	Medication Pulled & Qty.	Physician's Order	MAR	Wastage
10/18/07 1211	062-97-77	Norco 5-325 (2)	None. PT d/c @ 0945	None documented	None
10/18/07	106-51-79	Norco 5-325 (2)	Vicodin (1-2) Q4H PRN	None documented	None

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.

13. On or about October 18, 2007, while employed with East Texas Medical Center, Tyler, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent removed Norco from the Pyxis medication dispensing system for patients in excess dosage of and/or without valid physician's orders but failed to follow policy and procedure in place for the proper wastage of the unused portions of the Norco. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

14. On or about October 18, 2007, while employed with East Texas Medical Center, Tyler, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent misappropriated Norco belonging to the facility and patients thereof, in that she admitted to her supervisor that she misappropriated the Norco for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

15. 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.

16. 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.

17. In a letter to the Board dated November 18, 2007, Respondent admits to the conduct outlined in Findings of Fact Numbers Seven (7) through Fourteen (14). Respondent states that she has been "struggling with addiction to prescription pain pills and benzos," and that she started taking Ambien in June 2005. Respondent states that she is on the road to recovery, seeing a relapse prevention therapist and participating in Pills Anonymous.

18. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Fourteen (14) resulted from Respondent's impairment by dependency on chemicals.

19. 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), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)(C)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A), (5), (6)(G), (8), (9), (10)(A)(C)(E) & (11)(B).

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 651777, heretofore issued to MANDY PYLE, 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 MANDY PYLE, 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 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.

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.

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 26 day of January, 20 08.

Mandy Pyle

MANDY PYLE, Respondent

Sworn to and subscribed before me this 26 day of January, 20 08.

SEAL

TRACEY DYANN TRENT
Notary Public, State of Texas
My Commission Expires
January 20, 2010

Tracey DyAnn Trent

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 and enter the Agreed Order that was signed on the 26th day of January, 2008, by MANDY PYLE, Registered Nurse License Number 651777, and said Order is final.

Entered and effective this 1st day of February, 2008.

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

March 7, 2008

To whom it May Concern:

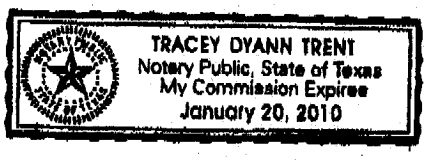
After I signed the order given to me from the BNE, we learned that our daughter has a disability that is going to require me to stay home and take care of her. At this time, I am voluntarily surrendering my RN license. I will not be able to comply with the order to complete TPAPN at this time. My husband and I will re-assess the situation in a year to see if getting my license back will be the right thing for us to do. Thank you and I am sorry for any inconvenience this may have caused. I mailed my license to Paul Longoria about 2 weeks ago.

Thank you,

Mandy Pyle

Mandy Pyle

Witnessed on March 7, 2008



Tracey Dyann Trent