

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License §  
Number 568065 and Vocational Nurse § AGREED  
License Number 119533, issued to § ORDER  
JUDY BETH (LESLY) MCINTYRE §

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 568065 and Vocational Nurse License Number 119533, issued to JUDY BETH (LESLY) MCINTYRE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived 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 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 Frank Phillips College, Borger, Texas, on May 22, 1987 and received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, in December 1990. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987 and was licensed to practice professional nursing in the State of Texas on March 18, 1991.

5. Respondent's professional nursing employment history includes:

12/89 - 09/90	Unknown	
10/20/90 - 09/20/04	Charge Nurse	Hansford County Hospital District Spearman, Texas
10/04 - 07/06	Unknown	
08/06 - 04/07	Staff Nurse	Pampa Regional Medical Center Pampa, Texas
05/07 - Present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff Nurse with Hansford County Hospital District, Hansford, Texas, and had been in this position for thirteen (13) years and eleven (11) months.
7. On or about September 7, 2004, while employed with Hansford County Hospital District, Spearman, Texas, Respondent misappropriated a prescription pad belonging to the facility. Respondent's conduct was likely to defraud the facility of the cost of the prescription pad and was likely to injure Respondent in that she obtained medications which were not authorized or ordered by the physician.
8. On or about April 20, 2004, May 14, 2004, June 17, 2004, July 23, 2004, and August 25, 2004, while employed with Hansford County Hospital District, Spearman, Texas, Respondent passed five (5) forged prescriptions for "Adipex P" to Gordon's Drug, Spearman, Texas. Respondent was indicted of five counts of "Fraud Possession of a Controlled Substance/Prescription Schedule III/IV" (Third Degree Felony) in the 84th Judicial Court for the District of Hansford County, Spearman, Texas, cause number CR01399. Respondent's conduct was likely to deceive the pharmacy and possession of Adipex P through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about August 14, 2007, Respondent plead guilty to five (5) counts of the offense of "Fraud Possession of a Controlled Substance/Prescription Schedule IV" (Third Degree Felony), in the 84th Judicial Court in the District of Hansford County, Spearman, Texas, cause number CR01399. Respondent was issued an Order of Deferred Adjudication and placed on community supervision for a period of seven (7) years.
10. At the time of the incidents in Findings of Fact Numbers Eleven (11) through Fourteen (14), Respondent was employed as a Staff Nurse with Pampa Regional Medical Center, Pampa, Texas, and had been in this position for seven (7) months.

11. During March 2007, while employed with Pampa Regional Medical Center, Pampa, Texas, Respondent misappropriated a prescription pad belonging to the facility and used it to pass forged prescriptions for Adipex (phentermine). Respondent's conduct was likely to defraud the facility of the cost of the prescription pad and was likely to injure Respondent in that she obtained medications which were not authorized or ordered by the physician.
12. On or about March 15, 2007, while employed with Pampa Regional Medical Center, Pampa, Texas, Respondent passed a forged prescription for Adipex at United Pharmacy, Pampa, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Adipex P through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. On or about March 23, 2007, while employed with Pampa Regional Medical Center, Pampa, Texas, Respondent passed a forged prescription for Adipex at Drug Emporium, Amarillo, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Adipex P through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
14. On or about March 30, 2007, while employed with Pampa Regional Medical Center, Pampa, Texas, Respondent passed or attempted to pass a forged prescription for Adipex P at United Pharmacy, Pampa, Texas. Respondent was arrested by the Pampa Police Department, Pampa, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Adipex P through use of a forged, unauthorized prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
15. Charges were filed on March 31, 2008.
16. Charges were mailed to Respondent on April 1, 2008.
17. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
18. 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.
19. 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 violations of Section 301.452(b)(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.12(1),(19)&(21) and 239.11(1)&(5) (*effective to September 28, 2004*) and 217.12(6)(G),(10)(B)(E),(11)(B),&(13)(*effective September 28, 2004*).
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 568065 and Vocational Nurse License Number 119533, heretofore issued to JUDY BETH (LESLY) MCINTYRE, 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 568065 and Vocational Nurse License Number 119533, heretofore issued to JUDY BETH (LESLY) MCINTYRE, 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 JUDY BETH (LESLY), to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the titles "registered nurse" or "vocational nurse" or the abbreviations "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse 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

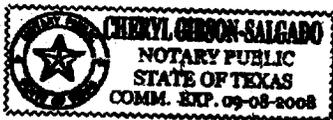
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 9 day of July, 2008.

Judy Beth Lesly McIntyre  
JUDY BETH (LESLEY) MCINTYRE, Respondent

Sworn to and subscribed before me this 9<sup>th</sup> day of July, 2008

SEAL



Cheryl Gibson-Salgado

Notary Public in and for the State of Texas

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Approved as to form and ~~substance~~.

Nancy Roger Willson  
Nancy Roger Willson, Attorney for Respondent

Signed this 12<sup>th</sup> day of August, 2008.

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 568065 and Vocational Nurse License Number 119533, previously issued to JUDY BETH (LESLY) MCINTYRE.

Effective this 15<sup>th</sup> day of August, 2008.



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