

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 191779	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
MANDY MAE BYRD	§	BOARD OF NURSING

**ORDER OF THE BOARD**

TO: Mandy Mae Byrd  
307 South Mayfield  
San Benito, Texas 78586

During open meeting held in Austin, Texas, on Tuesday, February 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 191779, previously issued to MANDY MAE BYRD, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 191779, previously issued to MANDY MAE BYRD, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 9<sup>th</sup> day of February, 2010.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of February, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Mandy Mae Byrd  
307 South Mayfield  
San Benito, Texas 78586

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 191779, Issued to  
MANDY MAE BYRD, Respondent

§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MANDY MAE BYRD, is a Vocational Nurse holding license number 191779, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about February 1, 2007 through February 12, 2007, while employed as a Licensed Vocational Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Pyxis), for patients without valid physicians' orders, as follows:

Date	Patient MRN	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Amount	Medication Administration Record	Nurse's Notes
02-01-07	00298598	None	Dilaudid 2mg/ml Vial 0911 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0139).
02-01-07	00442469	None	Dilaudid 2mg/ml Vial 1141 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-01-07	00515401	None	Dilaudid 2mg/ml Vial 1156 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-01-07	00460830	None	Dilaudid 2mg/ml Vial 1410 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1354).
02-01-07	00101117	None	Dilaudid 2mg/ml Vial 1411 (1)	Not Documented	Not Documented.
02-01-07	00537378	None	Dilaudid 2mg/ml Vial 1632 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1621).
02-01-07	00537349	None	Dilaudid 2mg/ml Vial 1637 (1)	Not Documented	Not Documented.
02-01-07	00344028	None	Dilaudid 2mg/ml Vial 1644 (1)	Not Documented	Not Documented.
02-01-07	00209794	None	Dilaudid 2mg/ml Vial 1835 (1)	Not Documented	Not Documented.
02-02-07	00328032	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00194370	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).

02-02-07	00140522	None	Dilaudid 2mg/ml Vial 0901 (1)	Not Documented	Not Documented.
02-02-07	00358191	None	Dilaudid 2mg/ml Vial 1044 (1)	Not Documented	Not Documented.
02-02-07	00081176	None	Dilaudid 2mg/ml Vial 1050 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00285047	None	Dilaudid 2mg/ml Vial 1203 (1)	Not Documented	Not Documented.
02-02-07	00407094	None	Dilaudid 2mg/ml Vial 1302 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00453264	None	Dilaudid 2mg/ml Vial 1502 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00296703	None	Dilaudid 2mg/ml Vial 1512 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-06-07	00160719	None	Dilaudid 2mg/ml Vial 0824 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).
02-06-07	00452027	None	Dilaudid 2mg/ml Vial 0825 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).
02-06-07	00148531	None	Dilaudid 2mg/ml Vial 0922 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0752).
02-06-07	00489721	None	Dilaudid 2mg/ml Vial 0923 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-06-07	00535279	None	Dilaudid 2mg/ml Vial 1128 (1)	Not Documented	Not Documented
02-06-07	00537752	None	Dilaudid 2mg/ml Vial 1315 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1209).
02-06-07	00517799	None	Dilaudid 2mg/ml Vial 1327 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1036).
02-06-07	00127395	Dilaudid 2mg/ml Vial	Dilaudid 2mg/ml Vial 1619 (2)	Dilaudid 2mg/ml Vial 1624 (1)	1624 Dilaudid 2mg/ml IM to Patient. 2 <sup>nd</sup> Vial Not Documented
02-06-07	00534834	None	Dilaudid 2mg/ml Vial 1628 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1359).
02-07-07	00290208	None	Dilaudid 2mg/ml Vial 0833 (2)	Not Documented	Not Documented
02-07-07	00074916	None	Dilaudid 2mg/ml Vial 0849 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-07-07	00446037	None	Dilaudid 2mg/ml Vial 1151 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-07-07	00157132	None	Dilaudid 2mg/ml Vial 1158 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0955).
02-07-07	00537360	None	Dilaudid 2mg/ml Vial 1219 (1)	Not Documented	Not Documented
02-07-07	00228671	None	Dilaudid 2mg/ml Vial 1449 (1)	Not Documented	Not Documented
02-07-07	00260357	None	Dilaudid 2mg/ml Vial 1546 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1516).
02-07-07	00194561	None	Dilaudid 2mg/ml Vial 1552 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).

02-10-07	00138434	None	Dilaudid 2mg/ml Vial 0817 (1)	Not Documented	Not Documented
02-10-07	00538175	None	Dilaudid 2mg/ml Vial 0831 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0545).
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1253 (1)	Not Documented	Not Documented
02-10-07	00339083	None	Dilaudid 2mg/ml Vial 1320 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-10-07	00283752	None	Dilaudid 2mg/ml Vial 1339 (1)	Not Documented	Not Documented
02-10-07	00107770	None	Dilaudid 2mg/ml Vial 1609 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1652 (1)	Not Documented	Not Documented
02-11-07	00538232	None	Dilaudid 2mg/ml Vial 0851 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-11-07	00179327	None	Dilaudid 2mg/ml Vial 0853 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-11-07	00321145	None	Dilaudid 2mg/ml Vial 1153 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1034).
02-11-07	00536520	None	Dilaudid 2mg/ml Vial 1155 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1115).
02-11-07	00071330	None	Dilaudid 2mg/ml Vial 1536 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1439).
02-11-07	00363632	None	Dilaudid 2mg/ml Vial 1537 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1453).
02-11-07	00082516	None	Dilaudid 2mg/ml Vial 1645 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1640).
02-11-07	00107639	None	Dilaudid 2mg/ml Vial 1851 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1846).
02-12-07	00257110	None	Dilaudid 2mg/ml Vial 0857 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0023).

Respondent's conduct was likely to injure the patient, in that the administration of Dilaudid without a valid physician's order could result in the patient experiencing respiratory depression and is in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

## CHARGE II.

On or about February 1, 2007 through February 12, 2007, while employed as a Licensed Vocational Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System (Pyxis), for patients, but failed to document, or accurately document the administration of the Dilaudid in the patients' Medication Administration Record or Nurse's Notes, as follows:

Date	Patient MRN	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Amount	Medication Administration Record	Nurse's Notes
02-01-07	00298598	None	Dilaudid 2mg/ml Vial 0911 (1)	Not Documented	Not Documented (NOTE: Patient discharged at 0139).
02-01-07	00442469	None	Dilaudid 2mg/ml Vial 1141 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-01-07	00515401	None	Dilaudid 2mg/ml Vial 1156 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-01-07	00460830	None	Dilaudid 2mg/ml Vial 1410 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1354).
02-01-07	00101117	None	Dilaudid 2mg/ml Vial 1411 (1)	Not Documented	Not Documented.
02-01-07	00537378	None	Dilaudid 2mg/ml Vial 1632 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1621).
02-01-07	00537349	None	Dilaudid 2mg/ml Vial 1637 (1)	Not Documented	Not Documented.
02-01-07	00344028	None	Dilaudid 2mg/ml Vial 1644 (1)	Not Documented	Not Documented.
02-01-07	00209794	None	Dilaudid 2mg/ml Vial 1835 (1)	Not Documented	Not Documented.
02-02-07	00328032	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00194370	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00140522	None	Dilaudid 2mg/ml Vial 0901 (1)	Not Documented	Not Documented.
02-02-07	00358191	None	Dilaudid 2mg/ml Vial 1044 (1)	Not Documented	Not Documented.
02-02-07	00081176	None	Dilaudid 2mg/ml Vial 1050 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00285047	None	Dilaudid 2mg/ml Vial 1203 (1)	Not Documented	Not Documented.

02-02-07	00407094	None	Dilaudid 2mg/ml Vial 1302 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00453264	None	Dilaudid 2mg/ml Vial 1502 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-02-07	00296703	None	Dilaudid 2mg/ml Vial 1512 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-06-07	00160719	None	Dilaudid 2mg/ml Vial 0824 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).
02-06-07	00452027	None	Dilaudid 2mg/ml Vial 0825 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).
02-06-07	00148531	None	Dilaudid 2mg/ml Vial 0922 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0752).
02-06-07	00489721	None	Dilaudid 2mg/ml Vial 0923 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-06-07	00535279	None	Dilaudid 2mg/ml Vial 1128 (1)	Not Documented	Not Documented
02-06-07	00537752	None	Dilaudid 2mg/ml Vial 1315 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1209).
02-06-07	00517799	None	Dilaudid 2mg/ml Vial 1327 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1036).
02-06-07	00127395	Dilaudid 2mg/ml Vial	Dilaudid 2mg/ml Vial 1619 (2)	Dilaudid 2mg/ml Vial 1624 (1)	1624 Dilaudid 2mg/ml IM to Patient. 2 <sup>nd</sup> Vial Not Documented
02-06-07	00534834	None	Dilaudid 2mg/ml Vial 1628 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1359).
02-07-07	00290208	None	Dilaudid 2mg/ml Vial 0833 (2)	Not Documented	Not Documented
02-07-07	00074916	None	Dilaudid 2mg/ml Vial 0849 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-07-07	00446037	None	Dilaudid 2mg/ml Vial 1151 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-07-07	00157132	None	Dilaudid 2mg/ml Vial 1158 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0955).
02-07-07	00537360	None	Dilaudid 2mg/ml Vial 1219 (1)	Not Documented	Not Documented
02-07-07	00228671	None	Dilaudid 2mg/ml Vial 1449 (1)	Not Documented	Not Documented
02-07-07	00260357	None	Dilaudid 2mg/ml Vial 1546 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1516).
02-07-07	00194561	None	Dilaudid 2mg/ml Vial 1552 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-10-07	00138434	None	Dilaudid 2mg/ml Vial 0817 (1)	Not Documented	Not Documented

02-10-07	00538175	None	Dilaudid 2mg/ml Vial 0831 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0545).
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1253 (1)	Not Documented	Not Documented
02-10-07	00339083	None	Dilaudid 2mg/ml Vial 1320 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-10-07	00283752	None	Dilaudid 2mg/ml Vial 1339 (1)	Not Documented	Not Documented
02-10-07	00107770	None	Dilaudid 2mg/ml Vial 1609 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1652 (1)	Not Documented	Not Documented
02-11-07	00538232	None	Dilaudid 2mg/ml Vial 0851 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-11-07	00179327	None	Dilaudid 2mg/ml Vial 0853 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).
02-11-07	00321145	None	Dilaudid 2mg/ml Vial 1153 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1034).
02-11-07	00536520	None	Dilaudid 2mg/ml Vial 1155 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1115).
02-11-07	00071330	None	Dilaudid 2mg/ml Vial 1536 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1439).
02-11-07	00363632	None	Dilaudid 2mg/ml Vial 1537 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1453).
02-11-07	00082516	None	Dilaudid 2mg/ml Vial 1645 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1640).
02-11-07	00107639	None	Dilaudid 2mg/ml Vial 1851 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1846).
02-12-07	00257110	None	Dilaudid 2mg/ml Vial 0857 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0023).

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 and placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B)(4)&(11)(B).

### CHARGE III.

On or about February 1, 2007 through February 12, 2007, while employed as a Licensed Vocational Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent withdrew Dilaudid and Morphine from the Medication Dispensing System (Pyxis), for patients, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the Dilaudid, as follows:

Date	Patient MRN	Physician's Order	Medication Dispensing System (Pyxis) Record Time and Amount	Medication Administration Record	Nurse's Notes	Wastage
02-01-07	00298598	None	Dilaudid 2mg/ml Vial 0911 (1)	Not Documented	Not Documented (NOTE: Patient discharged at 0139).	None Documented
02-01-07	00442469	None	Dilaudid 2mg/ml Vial 1141 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-01-07	00515401	None	Dilaudid 2mg/ml Vial 1156 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-01-07	00460830	None	Dilaudid 2mg/ml Vial 1410 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1354).	None Documented
02-01-07	00101117	None	Dilaudid 2mg/ml Vial 1411 (1)	Not Documented	Not Documented.	None Documented
02-01-07	00537378	None	Dilaudid 2mg/ml Vial 1632 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1621).	None Documented
02-01-07	00537349	None	Dilaudid 2mg/ml Vial 1637 (1)	Not Documented	Not Documented.	None Documented
02-01-07	00344028	None	Dilaudid 2mg/ml Vial 1644 (1)	Not Documented	Not Documented.	1 mg waste witnessed
02-01-07	00209794	None	Dilaudid 2mg/ml Vial 1835 (1)	Not Documented	Not Documented.	None Documented
02-02-07	00328032	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-02-07	00194370	None	Dilaudid 2mg/ml Vial 0836 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-02-07	00140522	None	Dilaudid 2mg/ml Vial 0901 (1)	Not Documented	Not Documented.	None Documented
02-02-07	00358191	None	Dilaudid 2mg/ml Vial 1044 (1)	Not Documented	Not Documented.	None Documented
02-02-07	00081176	None	Dilaudid 2mg/ml Vial 1050 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-02-07	00285047	None	Dilaudid 2mg/ml Vial 1203 (1)	Not Documented	Not Documented.	None Documented
02-02-07	00407094	None	Dilaudid 2mg/ml Vial 1302 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-02-07	00453264	None	Dilaudid 2mg/ml Vial 1502 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-02-07	00296703	None	Dilaudid 2mg/ml Vial 1512 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented

02-06-07	00160719	None	Dilaudid 2mg/ml Vial 0824 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).	1mg waste witnessed
02-06-07	00452027	None	Dilaudid 2mg/ml Vial 0825 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0733).	None Documented
02-06-07	00148531	None	Dilaudid 2mg/ml Vial 0922 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0752).	None Documented
02-06-07	00489721	None	Dilaudid 2mg/ml Vial 0923 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-06-07	00535279	None	Dilaudid 2mg/ml Vial 1128 (1)	Not Documented	Not Documented	None Documented
02-06-07	00537752	None	Dilaudid 2mg/ml Vial 1315 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1209).	None Documented
02-06-07	00517799	None	Dilaudid 2mg/ml Vial 1327 (2)	Not Documented	Not Documented. (NOTE: Patient discharged at 1036).	None Documented
02-06-07	00127395	Dilaudid 2mg/ml	Dilaudid 2mg/ml Vial 1619 (2)	Dilaudid 2mg/ml Vial Given @ 1624	1624 Dilaudid 2mg/ml IM to Patient. 2 <sup>nd</sup> Vial Not Documented as Given	None Documented
02-06-07	00534834	None	Dilaudid 2mg/ml Vial 1628 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1359).	None Documented
02-07-07	00290208	None	Dilaudid 2mg/ml Vial 0833 (2)	Not Documented	Not Documented	None Documented
02-07-07	00074916	None	Dilaudid 2mg/ml Vial 0849 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-07-07	00446037	None	Dilaudid 2mg/ml Vial 1151 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-07-07	00157132	None	Dilaudid 2mg/ml Vial 1158 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0955).	None Documented
02-07-07	00537360	None	Dilaudid 2mg/ml Vial 1219 (1)	Not Documented	Not Documented	None Documented
02-07-07	00228671	Morphine 3mg/ml	Morphine 5mg/ml Vial 1337 (1)	Morphine 3mg/ml IV Push Given @ 1347	Morphine 3mg/ml IV Push to Patient	None Documented
02-07-07	00228671	None	Dilaudid 2mg/ml Vial 1449 (1)	Not Documented	Not Documented	None Documented
02-07-07	00260357	None	Dilaudid 2mg/ml Vial 1546 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1516).	None Documented
02-07-07	00194561	None	Dilaudid 2mg/ml Vial 1552 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-10-07	00138434	None	Dilaudid 2mg/ml Vial 0817 (1)	Not Documented	Not Documented	None Documented
02-10-07	00538175	None	Dilaudid 2mg/ml Vial 0831 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0545).	None Documented
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1253 (1)	Not Documented	Not Documented	None Documented
02-10-07	00538187	Morphine 3mg/ml	Morphine 5mg/ml Vial 1439 (1)	Not Documented	Not Documented	None Documented
02-10-07	00339083	None	Dilaudid 2mg/ml Vial 1320 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented

02-10-07	00283752	None	Dilaudid 2mg/ml Vial 1339 (1)	Not Documented	Not Documented	None Documented
02-10-07	00107770	None	Dilaudid 2mg/ml Vial 1609 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-10-07	00538187	None	Dilaudid 2mg/ml Vial 1652 (1)	Not Documented	Not Documented	None Documented
02-11-07	00538232	None	Dilaudid 2mg/ml Vial 0851 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-11-07	00179327	None	Dilaudid 2mg/ml Vial 0853 (1)	Not Documented	Not Documented. (NOTE: Respondent never saw Patient).	None Documented
02-11-07	00321145	None	Dilaudid 2mg/ml Vial 1153 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1034).	None Documented
02-11-07	00536520	None	Dilaudid 2mg/ml Vial 1155 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1115).	None Documented
02-11-07	00071330	None	Dilaudid 2mg/ml Vial 1536 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1439).	None Documented
02-11-07	00363632	None	Dilaudid 2mg/ml Vial 1537 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1453).	None Documented
02-11-07	00082516	None	Dilaudid 2mg/ml Vial 1645 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1640).	None Documented
02-11-07	00107639	None	Dilaudid 2mg/ml Vial 1851 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 1846).	None Documented
02-12-07	00257110	None	Dilaudid 2mg/ml Vial 0857 (1)	Not Documented	Not Documented. (NOTE: Patient discharged at 0023).	None Documented

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 Substance Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(10)(C)&(11)(B).

#### CHARGE IV.

On or about February 1, 2007 through February 12, 2007, while employed as a Licensed Vocational Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent misappropriated Dilaudid from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8)&(10)(E).

#### **CHARGE V.**

On or about February 1, 2007 through February 12, 2007, while employed as a Licensed Vocational Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent admitted that she engaged in the intemperate use of Dilaudid that she misappropriated from the facility and the patients thereof. Possession of Dilaudid, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Dilaudid by a Vocational 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(11)(B).

#### **CHARGE VI.**

On or about May 7, 2007, while employed as a Licensed Vocational Nurse with Harlingen Medical Center, Harlingen, Texas, Respondent engaged in the intemperate use of Hydrocodone, in that Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone. Possession of Hydrocodone, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Hydrocodone by a Vocational 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D).

#### **CHARGE VII.**

On or about August 5, 2008, while employed as a Licensed Vocational Nurse with Rio Grande State Center/South Texas Healthcare System, Harlingen, Texas, Respondent lacked fitness to practice vocational nursing in that she was observed displaying a swaying gait, appeared drowsy, and almost fell down several times. Additionally, Respondent fell asleep while sitting in an office. 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, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(B)(E),(4)&(5).

#### **CHARGE VIII.**

On or about August 5, 2008, while employed as a Licensed Vocational Nurse with Rio Grande State Center/South Texas Healthcare System, Harlingen, Texas, Respondent engaged in the intemperate use of Cocaine, in that she produced a specimen for a drug screen that resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

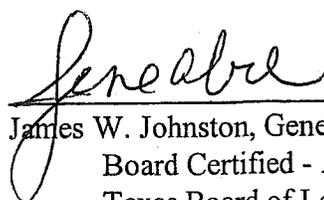
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 15<sup>th</sup> day of December, 2009.

TEXAS BOARD OF NURSING



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