



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Patricia P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse §  
License Number 703552 §  
issued to GRACE ELIZABETH MCINTYRE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 703552, issued to GRACE ELIZABETH MCINTYRE, 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 proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently suspended.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas on December 12, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 26, 2004.
4. Respondent's nursing employment history includes:
 

02/04 - 05/05	RN	Memorial Herman Southeast Houston, Texas
06/05 -03/08	Unknown employment	

Respondent's complete professional nursing employment history continued:

04/08 - 12/08	RN	E. Houston Regional Medical Center Houston, Texas
12/08 -04/09	RN	Clear Lake Rehabilitation Hospital Webster, Texas
05/09 - present	unknown employment	

5. On or about August 4, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing, that 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 August 4, 2009, is attached and incorporated, by reference, as part of this Order.
6. On or about January 21, 2011, Respondent failed to comply with the Texas Board of Nursing Order issued to her on August 4, 2009. Non-compliance is the result of her failure to comply with Stipulation Number Three (3) of the Order which reads:  
  
" RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term ..."  
  
Specifically, on or about March 29, 2010, Respondent submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfate. Furthermore, on or about January 13, 2011, Respondent admitted to a relapse with Lorcet and Soma.
7. On or about March 29, 2010, Respondent engaged in the intemperate use Alcohol, in that she submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfate. 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, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
8. Formal Charges were filed on March 10, 2011 . A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
9. Formal Charges were mailed to Respondent on March 10, 2011.
10. On March 28, 2011, the Board received a notarized statement from Respondent voluntarily

surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated March 25, 2011, is attached and incorporated herein by reference as part of this Order.

11. 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.
12. 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)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5),(9),(10)&(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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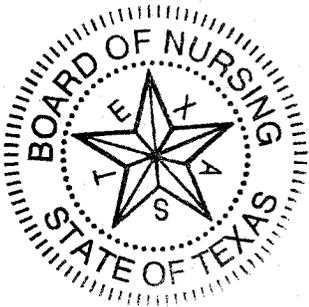
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 703552, heretofore issued to GRACE ELIZABETH MCINTYRE, 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 nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Effective this 29<sup>th</sup> day of March, 2011.



TEXAS BOARD OF NURSING

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

Grace Elizabeth McIntyre  
723 South 4th Street  
LaPorte, Texas 77571  
Texas RN License #703552

Voluntary Surrender Statement

March 10, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature *Grace Elizabeth McIntyre*  
Date 03/25/2011  
Texas Nursing License Number/s 703552

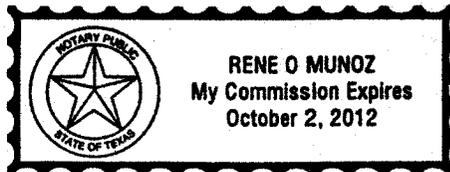
The State of Texas

Before me, the undersigned authority, on this date personally appeared Grace Elizabeth McIntyre who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 25<sup>th</sup> day of March, 2011.

SEAL

*Rene O Munoz*  
Notary Public in and for the State of Texas



In the Matter of Permanent License  
Number 703552, Issued to  
GRACE ELIZABETH MCINTYRE, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GRACE ELIZABETH MCINTYRE, is a Registered Nurse holding license number 703552, which is in current 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 January 21, 2011, Respondent failed to comply with the Texas Board of Nursing Order issued to her on August 4, 2009. Non-compliance is the result of her failure to comply with Stipulation Number Three (3) of the Order which reads:

" RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term ..."

Specifically, on or about March 29, 2010, Respondent submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfate. Furthermore, on or about January 13, 2011, Respondent admitted to a relapse with Lorcet and Soma.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

#### CHARGE II.

On or about March 29, 2010, Respondent engaged in the intemperate use Alcohol, in that she submitted a specimen for a drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfate. 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, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The evidence received is sufficient to prove violations of Section 301.452(b)(9)&(10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5)&(10)(A).

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 Nursing Practice

Act, Chapter 301, Texas Occupations Code and 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 Section 301.461, Texas Occupations Code. 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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, 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).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated August 4, 2009.

Filed this 10<sup>th</sup> day of March, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated August 4, 2009  
D/2010.12.28



06/05 -03/08	Unknown employment	
04/08 - 12/08	RN	E. Houston Regional Medical Center Houston, Texas
12/08 -04/09	RN	Clear Lake Rehabilitation Hospital Webster, Texas
05/09 - present	unknown employment	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with East Houston Regional Medical Center, Houston, Texas, and had been in this position for seven (6) months.
7. On or about November 12, 2008, while employed as a Registered Nurse with East Houston Regional Medical Center, Houston, Texas, Respondent engaged in the intemperate use of Morphine in that she produced a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substance Act). The use of Morphine 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, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about April 18, 2009 through April 19, 2009, while employed as a Registered Nurse with Clear Lake Rehabilitation Hospital, Webster, Texas, Respondent withdrew fourteen (14) vials of Meperidine 50mg from the Medication Dispensing System (MedDispense) for patient K. T., that was not under her care. Respondent's conduct resulted in an incomplete medical record, and could likely injure the patient in that subsequent care givers did not have accurate information on which to base their decision for further care.
9. On or about April 18, 2009 through April 19, 2009, while employed as a Registered Nurse with Clear Lake Rehabilitation Hospital, Webster, Texas, withdrew fourteen (14) vials of Meperidine 50mg from the Medication Dispensing System (MedDispense) for patient K.T., but failed to document or accurately document the administration of the medication in the patient's Medication Administration Record and/or nurse's notes. Additionally, the patient was questioned by the charge nurse and she stated that she had not received any injections for pain. Respondent's conduct above was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
10. On or about April 18, 2009 through April 19, 2009, while employed as a Registered Nurse with Clear Lake Rehabilitation Hospital, Webster, Texas, Respondent withdrew three (3)

Hydromorphone 1mg injections from the Medication Dispensing System (MedDispense) for patient N. G., but failed to document or accurately document the administration of the medication in the patient's Medication Administration Record and/or nurse's notes. Additionally, patient N. G. was questioned by the charge nurse and she stated that she had not received any injections for pain. Respondent's conduct above was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

11. On or about April 18, 2009 through April 19, 2009, while employed as a Registered Nurse with Clear Lake Rehabilitation Hospital, Webster, Texas, Respondent withdrew Hydromorphone and Meperidine from the Medication Dispensing System (MedDispense) for patients, but failed to follow the facility's policy and procedure for wastage of any 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 & Safety Code (Controlled Substance Act).
12. On or about April 18, 2009 through April 19, 2009, while employed as a Registered Nurse with Clear Lake Rehabilitation Hospital, Webster, Texas, Respondent misappropriated Hydromorphone and Meperidine from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patient of the cost of the medication.
13. 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.
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. In response to Finding of Fact Number Seven (7), Respondent states that her mother gave her one of her prescription pain pills. Respondent admits making a mistake in doing that now, she was not thinking clearly. In response to Findings of Fact Numbers Eight (8) through Twelve (12), Respondent admitted to the Board, during a telephone conversation on July 2, 2009, that she has a chemical dependency problem and would like help for this problem.
16. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.
17. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4),(5),(6)(G),(8),(10)(A)(C)&(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 703552, heretofore issued to GRACE ELIZABETH MCINTYRE, including revocation of Respondent's license to practice 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 GRACE ELIZABETH MCINTYRE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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.

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RESPONDENT'S CERTIFICATION

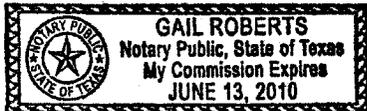
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 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 August, 2009.

Grace Elizabeth McIntyre  
GRACE ELIZABETH MCINTYRE, Respondent

Sworn to and subscribed before me this 18 day of August, 2009.

SEAL



Gail Roberts  
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 1st day of August, 2009, by GRACE ELIZABETH MCINTYRE, Registered Nurse License Number 703552, and said Order is final.



Entered and effective this 1<sup>st</sup> day of August, 2009.

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