

1985-1988	Assistant Nurse Manager Intensive Care Unit	Medical City Dallas Dallas, Texas
1988-1999	Staff Nurse Emergency Room	Medical City Dallas Dallas, Texas
1989-1996	House Supervisor Emergency Room	Physicians Regional Hospital Wylie, Texas
1999-2001	Director of Health Services	Wylie Independent School District Wylie, Texas
May 2001	Staff Nurse Emergency Room	Lakepoint Medical Center Rowlett, Texas
5/4/01- 11/12/01	Staff Nurse Emergency Room	Baylor Medical Center at Garland Garland, Texas
11/12/01 - present	Unknown	

6. On February 12, 2002, Respondent was ordered to enter the Texas Peer Assistance Program for Nurses (TPAPN) by the Texas Board of Nursing. A copy of the February 12, 2002, Board Order is attached hereto and incorporated herein by reference for all purposes.
7. On or about August 15, 2001, Respondent entered a plea of Guilty to POSS CS BY FRAUD SCH III/IV (a 3rd Degree Felony offense committed on July 6, 2001), in the District Court of Collin County, McKinney, Texas, under Cause No. 380-81238-01. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of three (3) years.
8. On or about September 12, 2002, Respondent entered a plea of Guilty to UNLAWFULLY OBTAINING FROM A LEGALLY REGISTERED PHARMACIST, A CONTROLLED SUBSTANCE: HYDROCODONE (a 3rd Degree Felony offense committed on November 12, 2001), entered in the Criminal District Court No. 4 of Dallas County, Dallas, Texas under Cause No. F-0200070-QK. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of three (3) years. Respondent was ordered to pay a fine and court costs.
9. On or about December 16, 2002, Respondent submitted a Board of Nurse Examiners Texas Online Renewal Document for Registered Nurses and Registered Nurses with Advanced Practice Authorization, in which Respondent provided false, deceptive, and/or misleading

information, in that she answered "No" to the question: "Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of a felony or misdemeanor..." Respondent failed to disclose that on September 25, 2001, she entered a plea of Guilty to POSS CS BY FRAUD SCH III/IV (a 3rd Degree Felony offense), and on September 12, 2002, she entered a plea of Guilty to UNLAWFULLY OBTAINING FROM A LEGALLY REGISTERED PHARMACIST, A CONTROLLED SUBSTANCE: HYDROCODONE (a 3rd Degree Felony offense). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

10. On or about February 14, 2005, Respondent submitted a Board of Nurse Examiners for the State of Texas License Renewal Form, in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime... whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest..." Respondent failed to disclose that on or about February 2, 2005, she was arrested by Wylie Police Department, Wylie, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.
11. On or about August 30, 2005, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed February 2, 2005), in the Collin County Court at Law No. 3, McKinney, Texas, under Cause 003-80696-05. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of twenty (20) days, with one (1) day of credit for time served, and Respondent was ordered to pay a fine and court costs.
12. On or about October 27, 2005, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on April 23, 2005). As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of sixty (60) days, with credit for twenty-nine (29) days served.
13. On or about January 28, 2009, Respondent submitted a Texas Online Renewal Document for Registered Nurses to the Texas Board of Nursing, in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense.....been arrested or have any pending criminal charges?" Respondent failed to disclose that on or about February 26, 2008, Respondent was arrested by the Sachse Police Department, Sachse, Texas, for DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree Felony offense). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.
14. On or about April 17, 2009, Respondent entered a plea of Guilty and was convicted of the offense of DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree Felony offense committed on February 26, 2008). As a result of the conviction, Respondent was

sentenced to confinement in the State Jail facility for a period of five (5) years; however, the imposition of the sentence of confinement was suspended and she was placed on probation for a period of five (5) years. Respondent was ordered to pay a fine and court costs.

15. Respondent states February 14, 2009 as her date of sobriety.
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. Charges were filed on January 5, 2010.
18. Charges were mailed to Respondent on January 6, 2010.

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, (effective 9/1/99; 9/1/01; 9/1/03; 9/1/05; and 9/1/07); Section 301.452(b)(2), Texas Occupations Code, (effective 9/1/01; 9/1/03; and 9/1/07); and Section 301.452(b)(3), Texas Occupations Code, (effective 9/1/07) and 22 TEX. ADMIN. CODE §217.12(22) (effective through 9/28/04) and §217.12(6)(I) and (13) (effective after 9/28/04).
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 507022, heretofore issued to MAMIE VICTORIA POOLE, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 507022, previously issued to MAMIE VICTORIA POOLE, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes an intensive outpatient treatment program approved by

the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 507022 previously issued to MAMIE VICTORIA POOLE, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact 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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years or until RESPONDENT is released from her felony probation, whichever is longer, with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable

conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education

requirements the Board may have for relicensure. *Information regarding*

this workshop may be found at the following web address:

<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

(5) RESPONDENT SHALL pay a monetary fine in the amount of one thousand two hundred fifty dollars (\$1,250). RESPONDENT SHALL pay this fine within ninety (90) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATIONARY CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT AS A NURSE OR UNTIL RESPONDENT IS RELEASED FROM HER FELONY PROBATION, WHICHEVER IS LONGER. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL THE REQUIRED AMOUNT OF TIME HAS ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probationary conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the

Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probationary period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of

employment as a nurse.

(9) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse or until Respondent is released from her felony probation, whichever is longer.

(12) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry.**

The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(13) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probationary period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure

to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(14) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(15) RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense outlined in Finding of Fact Number Fourteen (14), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that if during the period of probation,

an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13th day of July, 2010.

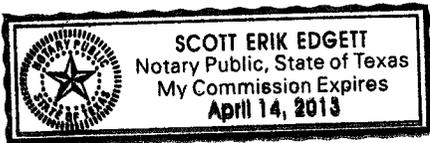
Mamie Victoria Poole
MAMIE VICTORIA POOLE, Respondent

Sworn to and subscribed before me this 13th day of July, 2010.

SEAL

[Signature]

Notary Public in and for the State of Texas



Approved as to form and substance.

[Signature]

SCOTT E. EDGETT, Attorney for Respondent

Signed this 13th day of July, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of July, 2010, by MAMIE VICTORIA POOLE, Registered Nurse License Number 507022, and said Order is final.

Effective this 17th day of August, 2010.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 507022 § AGREED
issued to MAMIE VICTORIA POOLE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MAMIE VICTORIA POOLE, License Number 507022, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 30, 2001, 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 a Baccalaureate Degree in Nursing from Jacksonville State University, Jacksonville, Alabama, in April 1982. Respondent was licensed to practice professional nursing in the State of Texas on June 27, 1983.
5. Respondent's professional employment history includes:

1983 - 1985	Staff Nurse Intensive Care Unit	Medical City Dallas Dallas, Texas
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Respondent's professional employment history continued:

1985 - 1988	Assistant Nurse Manager Intensive Care Unit	Medical City Dallas Dallas, Texas
1988 - 1999	Staff Nurse Emergency Room	Medical City Dallas Dallas, Texas
1989 - 1996	House Supervisor Emergency Room	Physicians Regional Hospital Wylie, Texas
1999 - 2001	Director of Health Services	Wylie Independent School District Wylie, Texas
May 2001	Staff Nurse Emergency Room	Lakepoint Medical Center Rowlett, Texas
5/4/01 - 11/12/01	Staff Nurse Emergency Room	Baylor Medical Center at Garland Garland, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse in the Emergency Room with Lakepoint Medical Center, Rowlett, Texas, and had been in this position for two (2) days.
7. On or about May 14, 2001, while employed with Lakepoint Medical Center, Rowlett, Texas, Respondent exhibited the following behavior while on duty: slurred speech, unsteady gait, and difficulty standing up on her own. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patients care, thereby placing the patient in potential danger.
8. On or about May 14, 2001, while employed with Lakepoint Medical Center, Rowlett, Texas, Respondent engaged in the intemperate use of Barbiturates and Benzodiazepines in that Respondent produced a specimen for a drug screen which resulted positive for Barbiturates and Benzodiazepines. Possession of Barbiturates and Benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Barbiturates and Benzodiazepines 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.

9. At the time of the incident in Finding of Fact number ten (10), Respondent was employed as a Staff Nurse in the Emergency Room with Baylor Medical Center at Garland, Garland, Texas, and had been in this position for three (3) months.
10. On or about August 15, 2001, Respondent while employed with Baylor Medical Center at Garland, Garland, Texas, passed fraudulent, unauthorized prescriptions for Ambien to Brookshire's Pharmacy, Garland, Texas. Respondent's conduct was deceiving to the Brookshire's Pharmacy and possession of Ambien by use of a fraudulent unauthorized prescription constitutes a violation of Chapter 481, Texas Health and Safety Code (Controlled Substances Act).
11. On or about October 30, 2001, through November 12, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Hydrocodone from the Pyxis without a physician's order for Medical Record Numbers 268996, 405369, 197891, 98502, 429772, and 410781. Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone to a patient without a physician's order could result in the patient suffering from respiratory depression.
12. On or about October 30, 2001, through November 12, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Hydrocodone from the Pyxis for patients, but failed to document the administration of Hydrocodone in Medical Record Numbers 268996, 405369, 197891, 98502, 429772, and 410781. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
13. On or about October 30, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Lorazepam from the Pyxis without a physician's order for Medical Record #185421. Respondent's conduct was likely to injure the patient in that the administration of Lorazepam to a patient without a physician's order could result in the patient suffering from loss of hand-eye coordination.
14. On or about October 30, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Lorazepam from the Pyxis, but failed to document the administration of Lorazepam for Medical Record #185421. Respondent's conduct 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.
15. On or about October 31, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Diazepam from the Pyxis without a physician's order for Medical Record #405369. Respondent's conduct was likely to injure the patient in that the administration of Diazepam to a patient without a physician's order could result in the patient suffering from adverse reactions.

16. On or about October 31, 2001, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent withdrew Diazepam from the Pyxis, but failed to document the administration of Diazepam for Medical Record #405369. 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.

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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(3)(4)(12)(19)(20)&(21).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 507022, heretofore issued to MAMIE VICTORIA POOLE, including revocation of Respondent's professional 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):

(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.

(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.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of offenses as outlined in Finding of Fact Number Ten (10), conviction will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.

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 Professional 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 professional 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 professional 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 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, 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

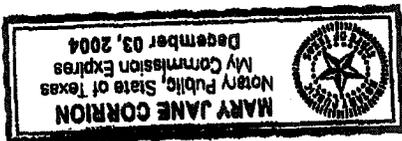
Signed this 25 day of January 2002

Mamie Victoria
MAMIE VICTORIA POOLE, Respondent

Sworn to and subscribed before me this 25 day of JANUARY, 2002.

SEAL

Mary Jane Corrion
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 25th day of January, 2002, by MAMIE VICTORIA POOLE, License Number 507022, and said Order is final.

Entered and effective this 12th day of February, 2002.

Katherine A. Thomas

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