TEXAS BOARD OF NURSING
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.
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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 referr 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

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

MARY JANE CORRION
Notary Public, State of Texas
My Commission Expires
December 03, 2004

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