



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           §       REINSTATEMENT  
License Number 532263                       §  
issued to VICKI HELEN MCLEAN           §       AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the Petition for Reinstatement of VICKI HELEN MCLEAN, Registered Nurse License Number 532263, hereinafter referred to as Petitioner.

An informal conference was held on May 4, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Bonnie Cone, MSN, RN, Nursing Consultant, Executive Director's Designee; Mary Beth Thomas, PhD, RN, Director of Nursing; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Dominique Mackey, Investigator; and Diane E. Burell, Investigator.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Diploma in Nursing from Our Lady of the Lake, School of Nursing, Baton Rouge, Louisiana, in November 1976. Petitioner was licensed to practice professional nursing in the State of Texas on July 31, 1986.

4. Petitioner's nursing employment history includes:

1976 - 1980	Staff Nurse/Head Nurse	Ochsner Foundation Hospital Jefferson, Louisiana
6/79 - 03/87	Private Duty Nurse	Self-employed New Orleans, Louisiana
8/93 - 12/96	School Nurse	Cypress Fairbanks School District Houston, Texas
4/02 - 1/03	Staff Nurse/Charge Nurse	Cypress Creek Hospital Houston, Texas
4/03 - 10/03	Staff Nurse Medical/Surgical Unit	Conroe Regional Medical Center Conroe, Texas
11/03 - 4/04	Visiting Nurse/PRN	Gentiva Home Health of Conroe Conroe, Texas
2/04 - 7/04	Staff Nurse	Select Medical Corporation
9/04 - 8/05	PRN Staff Nurse	Cleveland Regional Medical Center Cleveland, Texas
9/04 - 4/05	PRN Agency Nurse	Staff Search Houston, Texas
5/05 - 9/06	PRN Agency Nurse	All About Staffing
10/06 - 3/08	PRN Agency Nurse	Crdenia/Staff Search Houston, Texas
12/06 - 3/08	PRN Agency Nurse	Premier Staffing
4/08 - present	Not employed in nursing	

5. On May 8, 2008, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the May 8, 2008, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about January 26, 2010, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
  - 7.1. Medical records from Rusk State Hospital dating from March 5, 2009, through May 28, 2009.
  - 7.2. Medical Records from Tri-County MHMR Services dating from June 16, 2009, through March 4, 2010.
  - 7.3. Evaluation and Progress Notes from Pam Rall, Petitioner's therapist.
  - 7.4. Letter, dated March 4, 2010, from Laura Champagne, MD, Tri-County MHMR, Conroe, Texas, states Petitioner is currently a patient and has been diagnosed with Bipolar I Disorder, Single Manic Episode, Severe with Psychotic Features. Petitioner is provided with Pharmacological Management, Nursing Services, and Case Coordination. Petitioner has been in outpatient services with Tri-County MHMR since June 2009. To date, she has made all scheduled appointments which occur every eleven (11) weeks. It is Dr. Champagne's opinion that Petitioner is stable and may continue to be a practicing nurse.
  - 7.5. Letter, dated April 8, 2010, from Jennifer Screws, LPC, NCC, RPT, Depression and Bipolar Support Alliance, Houston, Texas, states Petitioner has attended support groups nine (9) times since January 12, 2010.
  - 7.6. Letter from Conn McWhorter, The Woodlands Church, states Petitioner has completed the GriefShare program at the church. GriefShare is a thirteen (13) week long video and curriculum-based program that guides people through their grief experience. There is a daily workbook that is issued to each participant and each meeting consists of a small group time for sharing, accountability, and prayer. Mr. McWhorter feels Petitioner has benefitted from attending.

- 7.7. Letter of support, dated March 5, 2010, from Georgia Marnell, Metairie, Louisiana, states she is writing in reference to the well being of her sister, Vicki McLean. Ms. Marnell states she stays in contact with Petitioner on a regular basis. She is now a healthy person both mentally and physically. Ms. Marnell believes Petitioner has made great strides in her mental health because she has a clear picture of herself and has taken the steps to get well. Petitioner always takes her medication and attends her psychiatrist and therapy meetings regularly. Petitioner also spends time volunteering for a Woman's Shelter. She stays in touch with family and friends and is very involved with her church. Petitioner always was, and still is a very caring person. She is someone who is honest, and always available to help out.
- 7.8. Letter of support, dated March 27, 2010, from Timothy McLean, The Woodlands, Texas, states Petitioner is of strong mental and emotional health. She has diligently addressed all of her previous shortcomings and has developed a life regimen that furthers her progress every day. Petitioner has gained a full understanding of her bipolar diagnosis and successfully treats it daily. She attends bipolar support groups to further ensure that her diagnosis will not hinder her life goals. Petitioner has successfully completed grief counseling and continues to attend personal counseling. She volunteers at a non-profit organization once a week, and is an active member of The Fellowship of The Woodlands Church. The most important step of Mr. McLean's mother's progress was surrounding herself with a strong support system. Close family now live five (5) minutes of each other and see each other multiple times a week and talk every day. This process has brought all of them closer. This constant communication makes Mr. McLean confident that his mother is here to stay and is more capable now than he has ever known.
- 7.9. Letter of support, dated March 1, 2010, from Elizabeth Glass and Claydean Buchanan, Assistant Managers, Rags to Riches, Montgomery County Women's Center, The Woodlands, states Ms. Glass and Ms. Buchanan highly recommend Petitioner as a valuable worker. She has been a volunteer for the Montgomery County Women's Center for six (6) months, committing two (2) full days a week for her time to the non-profit store. Petitioner is very dependable; as she is always on time and present on the days she is scheduled to work. Petitioner is very friendly, helpful, and works well with others. Furthermore, she does an outstanding job at organizing and using her innovative ideas to find the best solution she can to any obstacle and to improve business.
- 7.10. Letter of support, dated February 27, 2010, from Keith Harrison, The Woodlands, Texas, states Petitioner is an active member of The Woodlands Church and is involved in many areas within the church. She regularly attends in the Single's Ministry, volunteers and consistently contributes financially to the church. As pastor of the church, Mr. Harrison wholeheartedly endorses Petitioner and hopes that the Board will consider allowing her to continue as a nurse in Texas.

- 7.11. Letter of support, dated March 1, 2010, from Kim McLean, The Woodlands, states she is Petitioner's daughter and keeps in touch with her frequently. Ms. McLean lives nearby and they see each other often. Ms. McLean is able to call Petitioner and ask her advice on relationships and work situations, and she provides Ms. McLean with very logical advice. Petitioner informs Ms. McLean that she is taking her medication regularly and understands how it helps her. She attends her bipolar support groups regularly. Ms. McLean is confident that Petitioner is in a great state and able to resume her career in the nursing field.
  - 7.12. Letter of support, dated February 23, 2010, from Glen Fanning, Baton Rouge, Louisiana, states he is writing on behalf of his sister. She is honest, knowledgeable and a very hard worker. Mr. Fanning is grateful that his sister has accepted that she is bipolar and is willing to stay on medication to have peace and serenity in her life. The sister that he cared about and loved is back in his life because she is open, willing and honest with herself and other today. Mr. Fanning is part of Petitioner's support system and they speak several times a week about her therapy, medication, family, friends and life. Mr. Fanning is excited and encouraged about Petitioner's willingness to get her nursing license reinstated. She is an excellent worker because she is dependable, honest and knowledgeable in the field of nursing.
  - 7.13. Letter of support, dated February 23, 2010, from Lori Fanning Tozel, Baton Rouge, Louisiana, states she is writing on behalf of her sister. Petitioner has received help for her bipolar disorder. More importantly, she has reached out for her strength, love and support from her eight (8) brothers and sisters and two (2) grown children. Petitioner has put forth the same great effort working on herself as she has tackled every challenge in her life, past and present. Petitioner has a strong faith and has been involved in church. She spends her time volunteering and helping others. She continues to educate herself about her disease. She attends therapy sessions and talks very openly on a regular basis. Ms. Tozel believes Petitioner would be an asset not only to the medical field, but to every patient she touches as a nurse.
  - 7.14. Verification of successful completion of twenty (20) Continuing Education Contact Hours.
8. Petitioner'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 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication.
3. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of VICKI HELEN MCLEAN, Registered Nurse License Number 532263, to practice nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice nursing in the State of Texas. Said licenses issued to VICKI HELEN MCLEAN, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days of relicensure, apply to TPAPN which SHALL, within ninety (90) days following relicensure, 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.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

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

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 17<sup>th</sup> day of May, 2010.

Vicki Helen McClean  
VICKI HELEN MCLEAN, Petitioner

Sworn to and subscribed before me this 17<sup>th</sup> day of May, 2010.



Catherine Whippo

Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of May, 2010, by VICKI HELEN MCLEAN, Registered Nurse License Number 532263, and said Order is final.



Entered and effective this 19th day of May, 2010.

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

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse §  
License Number 532263, issued to §  
VICKI HELEN MCLEAN §

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 532263, issued to VICKI HELEN MCLEAN, 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 conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Diploma in Nursing from Our Lady of the Lake, School of Nursing, Baton Rouge, Louisiana, in November 1976. Respondent was licensed to practice professional nursing in the State of Texas on July 31, 1986.

4. Respondent's professional nursing employment history includes:

1976 - 1980	Staff Nurse/Head Nurse	Ochsner Foundation Hospital Jefferson, Louisiana
06/79 - 03/87	Private Duty Nurse	Self-employed New Orleans, Louisiana
08/93 - 12/96	School Nurse	Cypress Fairbanks School District Houston, Texas
04/02 - 01/03	Staff Nurse/Charge Nurse	Cypress Creek Hospital Houston, Texas

Respondent's professional nursing employment history continued:

04/03 - 10/03	Staff Nurse Medical/Surgical Unit	Conroe Regional Medical Center Conroe, Texas
11/03 - 04/04	Visiting Nurse/PRN	Gentiva Home Health of Conroe Conroe, Texas
05/04 - 08/04	Not employed in nursing	
09/04 - 08/05	Staff Nurse	Cleveland Regional Medical Center Cleveland, Texas
09/05 - Present	Unknown	

5. Formal Charges were filed on November 19, 2007. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on November 20, 2007.
7. On May 2, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of the statement is attached and incorporated by reference as part of this Order.

#### 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 a violations of Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).
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.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 532263, heretofore issued to VICKI HELEN MCLEAN, 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 immediately deliver the wallet-size license, heretofore issued to VICKI HELEN MCLEAN, to the office of the Board of Nurse Examiners.
2. 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 6<sup>th</sup> day of May, 2008.

TEXAS BOARD OF NURSING

By:



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

**CHARGE II.**

On August 23, 2006, Respondent submitted a License Renewal Form to the office of the Texas Board of Nursing on which she answered "Yes" to the following question "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder? (You may answer "no" if you have completed and/or are in compliance with TPAPN for mental illness)". Respondent disclosed that she was involuntarily committed to a psychiatric hospital by her brother and was diagnosed with Schizophrenia which she states is not an accurate diagnosis.

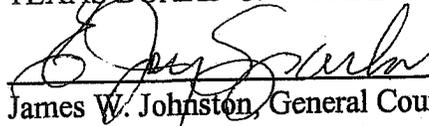
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E)&(5).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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. and TEX. OCC. CODE Ch. 53. 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).

Filed this 19<sup>th</sup> day of November, 2007.

TEXAS BOARD OF NURSING



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

Victoria Cox, Assistant General Counsel  
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel  
State Bar No. 18874600

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