BEFORE THE BOARD OF NURSING
FOR THE STATE OF TEXAS
****

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

In the Matter of	§	ELIGIBILITY
TRACY LYN CHANDLER	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Texas Board of Nursing, hereinafter referred to as Board, considered the Temporary License/Endorsement Application and supporting documents filed by TRACY LYN CHANDLER, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8)&(12) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on March 16, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about February 20, 2008, Applicant submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with an Associate Degree in Nursing from Adirondack Community College, Queensbury, New York, in January 1996.

4. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

5. On May 17, 2005, Applicant was issued a Consent Order by the New York State Education Department, Office of Professional Discipline State Board of Nursing, Albany, New York. A copy of the May 17, 2005, Consent Order is attached and incorporated, by reference, as part of this Order.

6. On May 30, 2006, Applicant satisfied all terms and conditions as set forth in the Consent Order issued on May 17, 2005, by the New York State Education Department, Office of Professional Discipline State Board of Nursing.

7. Applicant completed the Application for Licensure by Endorsement and answered "yes" to the question which reads as follows: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*

8. A letter was received from David C. Belanger, Ph.D., FNP, BC, BCETS, Pinnacle Behavioral Clinic, Albany, New York, stating that he has been treating Applicant for two (2) years for the diagnosis of Bipolar Disorder. Applicant is functioning as a registered nurse whereby she provides facilitation of health services for members throughout the United States with her company. Applicant is able to maintain the workload, process all required tasks within a timely basis. Her mental status has been stable, there have no hospitalizations, well focused. Follow-up recommendations are to continue with therapy with her therapist and to see Dr. Belanger monthly for medication, evaluation, and treatment.

9. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, her past behavior conforms to the Board's professional character requirements.

10. After considering the action taken by the New York State Education Department, Office of Professional Discipline State Board of Nursing along with Applicant's conduct since May 30, 2006, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

11. Applicant has sworn that her past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with good professional character.

12. On March 16, 2009, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

13. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.

14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

15. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.

3. The evidence in Findings of Fact Numbers Five (5), and Eight (8), is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.

4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.

5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of TRACY LYN CHANDLER, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(6) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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) contact 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. APPLICANT 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 APPLICANT'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.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application 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 conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 05 day of May, 09.

Tracy L Chandler

TRACY LYN CHANDLER, APPLICANT

Sworn to and subscribed before me this 5th day of May, 2009.

D. N. J.

Notary Public in and for the State of New York

SEAL

DIANA N. JACON
Notary Public, State of New York
Registration #01JA6155380
Qualified In Albany County
Commission Expires Nov. 13, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 5th day of May, 2009, by TRACY LYN CHANDLER, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this *10th* day of *June*, *2009*.

BOARD OF NURSING
FOR THE STATE OF TEXAS

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

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL LICENSING SERVICES
Public Information Unit
Tel. (518) 474-3817 EXT: 330
Fax (518) 473-0578
E-mail: DPLSDSU@MAIL.NYSED.GOV

STATE OF NEW YORK)
SS:
COUNTY OF ALBANY)

In accordance with the **Civil Practice Law and Rules Article 45**, I, Connie F. Mitchell, Clerk II in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached is a true, complete and correct copies of the original documents in our files relating to TRACY L. CHANDLER a/k/a TRACY LYN BABSON.

Witness my hand and the seal of the New York State Education Department this 22 February, 2008.

Connie F. Mitchell

Connie F. Mitchell, Clerk II
Professional Licensing Services

DATE
02/22/2008

The University of the State of New York

IN THE MATTER

OF

TRACEY CHANDLER
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 21957

Upon the application of TRACEY CHANDLER, under Calendar No. 21957, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, **it was**

VOTED (May 17, 2005): That the application of TRACEY CHANDLER, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

TRACEY CHANDLER (21957)

IN WITNESS WHEREOF, I, Johanna Duncan-Poitier, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 17th day of May, 2005.

Johanna Duncan-Poitier

JOHANNA DUNCAN-POITIER
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING
----------X

IN THE MATTER

of the

Disciplinary Proceeding

against

TRACY L. CHANDLER

who is currently licensed to practice
as a registered professional nurse
in the State of New York.
----------X

APPLICATION FOR CONSENT ORDER

CAL. NO. 21957

TRACY L. CHANDLER states:

That on or about June 4, 1996 I was licensed to practice as a registered professional nurse in the State of New York, having been issued license number 481166 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a registered professional nurse in the State of New York from an address at 92 N. Greenfield Road, Porter Corners, New York 12859.

That I have been charged with one specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A."

TRACY L. CHANDLER

I admit guilt to the aforesaid specification of professional misconduct, charging me with practicing the profession of nursing beyond its authorized scope (wrote order for a cardiac consult).

I hereby agree to the penalty that my license to practice as a registered professional nurse in the State of New York be suspended for a period of one (1) year; that execution of said suspension be stayed; that I be placed on probation for a period of one (1) year, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B;" and that I be fined five hundred ($500) dollars, said fine to be paid in the manner set forth in the aforesaid terms of probation.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my

application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Tracy L Chandler
Respondent

EXHIBIT "A"

TRACY L. CHANDLER

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of nursing beyond the scope authorized by law, within the purview and meaning of New York Education Law section 6509(2), in that Respondent:

On or about July 31, 2004, while employed and on duty as a registered professional nurse at the Saratoga Hospital in Saratoga Springs, New York, ordered a cardiac consult for a PICC line without a physician's authorization.

EXHIBIT "B"

TERMS OF PROBATION

TRACY L. CHANDLER

CALENDAR NO. 21957

1. That Respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing Respondent's profession;

2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 475 Park Avenue South -- Second Floor, New York, New York 10016-6901, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, and of any change in Respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;

3. That Respondent shall pay the five hundred ($500) dollar fine imposed upon Respondent, by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, as aforesaid, within the first three months of the period of probation;

4. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;

5. That Respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;

TRACY L. CHANDLER
CALENDAR NO. 21957

6. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;

7. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

----------X

IN THE MATTER

of the

Disciplinary Proceeding

against

TRACY L. CHANDLER

who is currently licensed to practice as a registered professional nurse in the State of New York.

----------X

APPLICATION FOR CONSENT ORDER

CAL. NO. 21957

The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Dated: 1/8, 2005 Tracy L Chandler
Respondent

Dated: , 200 RESPONDENT APPEARED PRO SE
Attorney for Respondent

Dated: January 18, 2005 Rena L Aggen RN
Member of the State Board for Nursing

Dated: 2/2, 2005 Louis J Hatone
Director
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Practice to review this Application for a Consent Order, has reviewed said Application and recommends to the Board of Regents that the Application be granted.

Dated: MARCH 8, 2005 Diane O'Neill Guern
Member, Board of Regents