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

In the Matter of Registered Nurse License Number 668961	§	AGREED
issued to MITZI DICKENS GRAY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MITZI DICKENS GRAY, Registered Nurse License Number 668961, 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 April 14, 2006, 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 an Associate Degree in Nursing from Navarro College, Corsicana, Texas, on May 1, 2000. Respondent originally became licensed to practice professional nursing in the State of Texas on June 13, 2000.

5. Respondent's professional nursing employment history includes:

June 2000 - May 2001	Staff RN Navarro Regional Hospital Corsicana, Texas

Respondent's professional nursing employment history continued:

July 2001 - March 2003	Staff RN Baylor Medical Center of Dallas Dallas, Texas
April 2003 - November 2003	Staff RN Cedar Lake Nursing Home Malakoff, Texas
December 2003 - June 2005	Staff RN Methodist Charlton Medical Center Dallas, Texas
July 2005 - April 2006	Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Methodist Charlton Medical Center, Dallas, Texas, and had been in this position for one (1) year and four (4) months.

7. On or about April 18, 2005, while employed with Methodist Charlton Medical Center, Dallas, Texas, Respondent removed Hydrocodone /APAP 10/325 for patient L.C., from the medication dispensing system in excess of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Hydrocodone /APAP 10/325 in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

8. On or about April 29, 2005 to May 18, 2005, while employed with Methodist Charlton Medical Center, Dallas, Texas, Respondent misappropriated Hydrocodone belonging to the facility and its patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

9. On or about April 29, 2005 to May 18, 2005, while employed with Methodist Charlton Medical Center, Dallas, Texas, Respondent failed to follow policy and procedure in place for the removal of Hydrocodone from Sure Med medication dispensing system. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

10. On or about May 18, 2005, while employed with Methodist Charlton Medical Center, Dallas, Texas, Respondent engaged in the intemperate use of Norpropoxyphene in that she submitted a specimen for a drug screen which resulted positive for Norpropoxyphene. Possession of Norpropoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Norpropoxyphene by a Registered Nurse, while

subject to call or duty, 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.

11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

13. Respondent's conduct described in Findings of Fact Number Seven (7), Eight (8), Nine (9) and Ten (10) resulted from Respondent's dependency on chemicals.

14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4), (6)(G) & (10)(D).

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 668961, heretofore issued to MITZI DICKENS GRAY, 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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to 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.

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 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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the 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 2 day of May, 2006.

MITZI DICKENS GRAY, Respondent

Sworn to and subscribed before me this 2 day of May, 2006

SEAL

LISA HUMPHRIES
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 02-27-2007

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 2nd day of May, 20 06, by MITZI DICKENS GRAY, Registered Nurse License Number 668961, and said Order is final.

Entered and effective this 17th day of May, 20 06.

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