



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 621558 §
issued to MICHELLE SUZANNE PESSAGNO-REAL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHELLE SUZANNE PESSAGNO-REAL, Registered Nurse License Number 621558, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(10),(12)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 26, 2013, subject to ratification by the Board.

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(s).
- 2. Respondent waived representation by counsel, informal proceedings, 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 Diploma in Nursing from Red River College, Winnipeg, Manitoba, Canada, on June 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on August 10, 1995.
- 5. Respondent's professional nursing employment history includes:

08/1995 - 08/1996	Unknown	
08/1996 - 03/2001	Charge Nurse	Cochran Memorial Hospital Morton, Texas

Respondent's professional nursing employment history continued:

08/1996 - 03/2001	Charge Nurse	Presbyterian Hospital of Dallas Dallas, Texas
03/2001 - 02/2005	Charge Nurse	Memorial Hermann Northwest Houston, Texas
03/2005 - 06/2008	Lead RN	Denton Regional Medical Center Denton, Texas
07/2008 - 10/2011	Charge Nurse	Memorial Hermann Southwest Houston, Texas
10/2011 - 02/2012	Unknown	
02/2012 - 02/2013	Staff Nurse	Methodist West Houston Hospital Houston, Texas
02/2013 - Present	Unknown	

6. At the time of the initial incident described in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Methodist West Houston Hospital, Houston, Texas, and had been in this position for approximately two (2) months.
7. On or about March 22, 2012, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas, Respondent lacked fitness to practice nursing in that she was observed not completing sentences, having slurred speech, diaphoretic, could not keep her eyes open, and kept falling asleep. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in the patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about April 20, 2012, through April 23, 2012, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas, Respondent withdrew Morphine from the Medication Dispensing System (Pyxis/Pandora) for patient Medical Record Numbers 097310627, 030689582, 030688477, and 029981313, but failed to document, or completely and accurately document the administration of the Morphine, including signs, symptoms, and responses to the medication in the patients' Medication Administration Records and/or nurses notes.
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, and Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about April 20, 2012, through April 23, 2012, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas, Respondent withdrew Morphine from the Pyxis Medication Dispensing System (Pyxis/Pandora) for patient Medical Record Numbers 097310627, 030689582, 030688477, and 029981313, but failed to follow the facility's policy and procedure for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. On or about April 20, 2012, through April 23, 2012, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas Respondent misappropriated Morphine from the facility and patients thereof, in that Respondent admitted to taking the Morphine for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

11. On or about September 17, 2012, Respondent provided the Texas Board of Nursing and Online Renewal Document for Registered Nurses, in which she 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, including those pending appeal:
 - A. been convicted of a misdemeanor?
 - B. been convicted of a felony/
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or have any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

On or about July 16, 2012, Respondent was arrested by the Richmond Constable's Office Precinct 1, Richmond, Texas, and subsequently charged in the Fort Bend County Court at Law No. 1, under Case No. 12-CCR-162447 for "THEFT PROP > = \$20 < \$500 BY CHECK," a Class B misdemeanor offense committed on February 11, 2012.

12. On or about January 13, 2013, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas Respondent withdrew Morphine from the Medication Dispensing System (Pyxis/Pandora), and administered the Morphine in excess frequency and/or dosage of a physician's order to Medical Record Number 028538254. Respondent's conduct was likely to injure the patient in that the administration of Morphine in excess dosage of the physician's order could result in the patient suffering from respiratory depression, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

13. On or about January 31, 2013, while employed as a Registered Nurse with Methodist West Houston Hospital, Houston, Texas Respondent withdrew Morphine from the Medication Dispensing System (Pyxis/Pandora), and administered the Morphine in excess frequency and/or dosage of a physician's order to Medical Record Number 023889116. Respondent's conduct was likely to injure the patient in that the administration of Morphine in excess dosage of the physician's order could result in the patient suffering from adverse reactions, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
14. In response to Finding of Fact Number Seven (7), Respondent states that she attempted to call in because she was not feeling good and she was gilded into coming in because of short staffing. She explains that she drove herself home without difficulty. She ended up in the ER with a very bad UTI, renal calculi requiring IVF's and IV antibiotics. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states that she was only oriented for a few days and was not made aware that there were 2 areas to document pain until months later. Respondent explains that the medication room was at the far end of the unit and it was difficult to find a nurse to waste with and she would have to find a nurse to waste with and count on her memory to get back to the pyxis. Respondent states that she has never, and would never misappropriate narcotics. In response to Finding of Fact Number Eleven (11), Respondent states that she was arrested for bouncing a check that she accidentally wrote on a closed account and was told to pay the court costs and a forty dollar (\$40.00) fee to the business. She understood from her lawyer that it would be dismissed therefore, she didn't see anything that described her incident when she looked through the list on the Online Renewal Document. In response to Findings of Fact Numbers Twelve (12) and Thirteen (13), Respondent states that hospital policy was that one could administer medication within a 30 minute window, which was confirmed by her manager. She was later told that this does not apply to prn. Respondent states that she has never, and would never misappropriate narcotics.
15. On or about July 18, 2013, Respondent presented for a Chemical Dependency Evaluation that was conducted by Joyce M. Gayles, PhD. Dr. Gayles concludes that Respondent does not have a substance abuse problem or substance-related impairment that would prevent her from practicing nursing with reasonable skill and safety to patients. She notes that the SASSI-3 indicates that Respondent has a low probability of Substance Dependence Disorder and no problem with drugs and alcohol. Dr. Gayles also concludes that the results indicate no serious psychological problems, but suggests that Respondent may benefit from short-term psychotherapy due to dyphoria, feelings of sadness, bouts of crying, sleep difficulty, and worries about the future.
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.

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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(6)(I),(10)(B),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 621558, heretofore issued to MICHELLE SUZANNE PESSAGNO-REAL, including revocation of Respondent's license(s) 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 RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, and 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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(s) is/are encumbered by this Order, 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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic

portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.texas.gov/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office 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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, 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. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

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 STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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.

(6) 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.

(7) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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 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) month period for one (1) year(s) of employment as a nurse.

(9) 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 a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(10) 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. 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 and their metabolites:

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 stipulation 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 stipulation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen 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(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(11) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether

or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the stipulation period, or until RESPONDENT is dismissed from therapy.

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

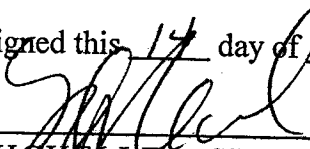
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of OCTOBER, 2013.



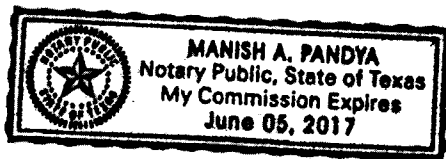
MICHELLE SUZANNE PESSAGNO-REAL,
RESPONDENT

Sworn to and subscribed before me this 14 day of October, 2013.

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of October, 2013, by MICHELLE SUZANNE PESSAGNO-REAL, Registered Nurse License Number 621558, and said Order is final.

Effective this 12th day of November, 2013.



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