



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 R. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Vocational Nurse License Number 160888 §  
issued to EDGAR LEE MANGUM §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 160888, issued to EDGAR LEE MANGUM, 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 proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently suspended.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Kauai Community College, Lihue, Hawaii, on July 26, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1996.

4. Respondent's vocational nursing employment history includes:

12/1996 - 10/1997	LVN	Traymore Nursing Center Dallas, Texas
10/1997 - 02/1999	LVN	Westridge Nursing Center Lancaster, Texas

Respondent's vocational nursing employment history continued:

02/1999 - 08/2000	LVN	Manor Care Dallas, Texas
08/2000 - 09/2001	LVN	Windsor Place Nursing Home Lancaster, Texas
10/2001 - 06/2002	LVN	Professional Nursing Services Dallas, Texas
01/2002 - 01/2003	LVN	In Home Health Services Suisun City, California
01/2003 - 02/2004	Unknown	
02/2004 - 12/2005	LVN	Heritage House Nursing Center San Angelo, Texas
06/2005 - 03/2007	LVN	Intrepid Home Care Inc. San Angelo, Texas
12/2005 - 02/2007	LVN	San Angelo State School Carlsbad, Texas
04/2007 - 11/2008	LVN	Shannon Medical Center St. Johns Campus San Angelo, Texas
02/2009 - 01/2010	LVN	Regency House Nursing Center San Angelo, Texas
01/2010 - 01/2011	LVN	Arber Terrace San Angelo, Texas
05/2010 - 07/2010	LVN	Big Spring State Hospital Big Spring, Texas
07/2010 - 03/2011	LVN	Senior Living Properties San Angelo, Texas
03/2011 - Present	Unknown	

5. On or about July 19, 2013, Respondent's license to practice vocational nursing in the State of Texas was issued an Agreed Order, which required him to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law and Order, dated July 19, 2013, is attached and incorporated herein by reference as part of this Order.

6. On or about December 16, 2013, Respondent became noncompliant with the Agreed Order issued to him by the Texas Board of Nursing on July 19, 2013. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract in that he failed to enroll into the program. Stipulation Number One (1) of the Agreed Order, dated July 19, 2013, states:

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

On or about December 16, 2013, Respondent was dismissed from TPAPN and referred back to the Board.

7. Formal Charges were filed on January 21, 2014.

8. Formal Charges were mailed to Respondent on January 21, 2014.

9. On March 17, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated March 15, 2014, is attached and incorporated herein by reference as part of this Order.

10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

11. 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 §217.12(9),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 160888, heretofore issued to EDGAR LEE MANGUM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 160888, heretofore issued to EDGAR LEE MANGUM, to practice 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 NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 17th day of March, 2014.

TEXAS BOARD OF NURSING



By: \_\_\_\_\_

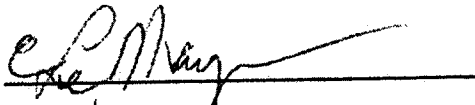
Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature



Date

3/15/2014

EDGAR LEE MANGUM  
Licensed Vocational Nurse  
License Number 160888

The State of Texas

Before me, the undersigned authority, on this date personally appeared EDGAR LEE MANGUM who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_



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

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In the Matter of § AGREED  
Vocational Nurse License Number 160888 §  
issued to EDGAR LEE MANGUM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EDGAR LEE MANGUM, Vocational Nurse License Number 160888, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Article 4528c, Sec. 10(a)(2)&(9), TEX. REV. CIV. STAT. ANN (CH. 9/1/1995), and Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 25, 2013.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Kauai Community College, Lihue, Hawaii, on July 26, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1996.

5. Respondent's vocational nursing employment history includes:

12/1996 - 10/1997	LVN	Traymore Nursing Center Dallas, Texas
10/1997 - 02/1999	LVN	Westridge Nursing Center Lancaster, Texas
02/1999 - 08/2000	LVN	Manor Care Dallas, Texas
08/2000 - 09/2001	LVN	Windsor Place Nursing Home Lancaster, Texas
10/2001 - 06/2002	LVN	Professional Nursing Services Dallas, Texas
01/2002 - 01/2003	LVN	In Home Health Services Suisun City, California
01/2003 - 02/2004	Unknown	
02/2004 - 12/2005	LVN	Heritage House Nursing Center San Angelo, Texas
06/2005 - 03/2007	LVN	Intrepid Home Care Inc. San Angelo, Texas
12/2005 - 02/2007	LVN	San Angelo State School Carlsbad, Texas
04/2007 - 11/2008	LVN	Shannon Medical Center St. Johns Campus San Angelo, Texas
02/2009 - 01/2010	LVN	Regency House Nursing Center San Angelo, Texas
01/2010 - 01/2011	LVN	Arber Terrace San Angelo, Texas



Respondent's vocational nursing employment history continued:

05/2010 - 07/2010	LVN	Big Spring State Hospital Big Spring, Texas
07/2010 - 03/2011	LVN	Senior Living Properties San Angelo, Texas
03/2011 - Present	Unknown	

6. On or about October 29, 1996, Respondent submitted an Application for Licensure by Endorsement to the Texas Board of Vocational Nurse Examiners, in which he provided false, deceptive, and/or misleading information in that he answered "No" to the question:

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

On or about June 11, 1981, Respondent entered a plea of Nolo Contendere and was subsequently Convicted of ACCESSORY TO A FELONY (a misdemeanor offense), in the Superior Court of Santa Barbara County, Santa Barbara, California, under Cause No. 135050. As a result to the Conviction, Respondent was sentenced to confinement in the Santa Barbara County Jail for a four (4) weekend period and placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about April 19, 1983, an Order of Ex-Parte was entered in the Superior Court of Santa Barbara County, Santa Barbara, California, under Cause No. 135050. The Order states the following:

- The plea, verdict or finding of Guilty or Nolo Contendere is set aside and vacated and a plea of Not Guilty is entered and the accusatory pleading is dismissed pursuant to Section 1203.4 of the Penal Code. The defendant is released from all penalties and disabilities resulting from conviction of said offense by said plea or verdict, except as noted below or as provided in Section 13555 of the Vehicle Code.
- The offense is deemed to have at all times been a misdemeanor pursuant to Section 17 of the Penal Code.
- Note: Said defendant is hereby informed that relief granted pursuant to Section 1203.4 of the Penal Code does not relieve said defendant of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency.

7. On or about March 1, 2011, while employed as a Licensed Vocational Nurse with Arbor Terrace Health Care Center, San Angelo, Texas, Respondent was verbally and emotionally abusive to Resident C. M. in that he made degrading remarks and was taunting said patient. Respondent's conduct may have caused the patient emotional injury or delayed distress.

8. On or about December 7, 2011, Respondent was indicted for two (2) counts of FRAUDULENT POSSESSION OF A CONTROLLED SUBSTANCE/PRESCRIPTION - SCHEDULE III/IV (3rd Degree Felony offenses committed on December 7, 2011) in the Tom Green County District Court, San Angelo, Texas, under Cause No. M110746 and Cause No. M1107461. On or about April 10, 2013, both counts were dismissed upon Respondent's completion of Drug Court.
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states that he was arrested by Santa Barbara County Sheriff's Office. Respondent explains that he was told by the judge, the probation officer, and my attorney that this was a 'wobbler felony' and would be reduced to a misdemeanor when probation was completed. It was Respondent's understanding that he didn't have to ever report this offense as a felony. In response to Finding of Fact Number Seven (7), Respondent states that he made no degrading remarks and was not verbally or emotionally abusive and he was not taunting the resident in question.
10. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. On or about June 11, 2013, Respondent presented for a chemical dependency evaluation conducted by Jerome R. Schmidt, Ph.D. Psychologist. Dr. Schmidt states that Respondent's repeated use and subsequent legal consequences related to his marijuana use and opiate use warrant diagnoses of substance abuse with lack of indications that would support a diagnosis of substance dependence. However, his repeated criminal behavior does warrant a diagnosis of Adult Antisocial Behavior. It is noted that this is not a diagnosis of a personality disorder. Respondent is diagnosed with both Opiate Abuse in remission, and Marijuana Abuse in remission, ruling out dependence. It is Dr. Schmidt's recommendation that Respondent be supervised in the TPAPN peer assistance program until it can be determined that he is compliant with all rules and regulations of the Texas Board of Nursing.
13. Formal Charges were filed on April 2, 2013.
14. Formal Charges were mailed to Respondent on April 3, 2013.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
16. 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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C),(6)(F), (11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Article 4528c, Sec.10(a)(2)&(9), TEX. REV. CIV. STAT. ANN (CH.9/1/1995), and Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 160888, heretofore issued to EDGAR LEE MANGUM, up to, and including, revocation of Respondent's license(s) 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 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN

participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 multistate licensure 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, 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 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.

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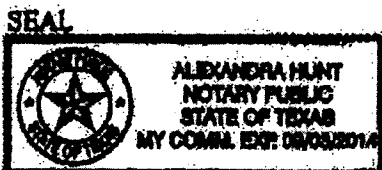
**RESPONDENT'S CERTIFICATION**

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(s) 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 Texas Board of Nursing, 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 19 day of July, 2013.

Edgar Lee Mangum  
EDGAR LEE MANGUM, RESPONDENT

Sworn to and subscribed before me this 19<sup>th</sup> day of July, 2013.



Alexandra Hunt  
Notary Public in and for the State of Texas


Approved as to form and substance.

Oscar San Miguel  
Oscar San Miguel, Attorney for Respondent

Signed this 19<sup>th</sup> day of July, 2013.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 19th day of July, 2013, by EDGAR LEE MANGUM, Vocational Nurse License Number 160888, and said Order is final.

Entered and effective this 19th day of July, 2013.



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