



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 645097 §
issued to MYTEE CONDARCO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MYTEE CONDARCO, Registered Nurse License Number 645097, 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)(8), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 6, 2016.

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 notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from New Mexico Junior College, Hobbs, New Mexico, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on September 2, 1997.
5. Respondent's nursing employment history is unknown.
6. On or about May 20, 2015, the Voluntary Surrender of Respondent's Nevada registered nurse license was accepted by the Nevada State Board of Nursing, Las Vegas, Nevada. A copy of the Voluntary Surrender of License in Lieu of Other Disciplinary Action dated May 20, 2015, is attached and incorporated, by reference, as part of this Order.

7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent states that she was forced to surrender her license due to her relocation to Texas. She adds that she is not a drug addict nor user of anything without the consent of her physicians.
8. On November 23, 2015, Respondent presented for an evaluation by Emily Fallis, Ph.D. Dr. Fallis states that Respondent does not currently meet the criteria for a diagnosis of a substance disorder. Although Dr. Fallis states that while Respondent may not be in need of substance abuse treatment, she might benefit from a refresher course in professional standards and ethics.

Dr. Fallis opines that Respondent has a low risk of engaging in behaviors which the Board of Nursing has identified as constituting unprofessional conduct, and that abusing substances as a part of her duties as a nurse is unlikely.

9. 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 645097, heretofore issued to MYTEE CONDARCO.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

~~In addition to any continuing education requirements the Board may require for~~ licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.
- B. 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/these course(s), RESPONDENT

SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** 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.

- D. **Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. **While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all 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.
- B. **While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances**. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation/probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. 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/probation period.

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.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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 entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of March, 2016.

Mytee Condarco
MYTEE CONDARCO, Respondent

Sworn to and subscribed before me this 10th day of March, 2016.



[Signature]

Notary Public in and for the State of Texas

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of March, 2016, by MYTEE CONDARCO, Registered Nurse License Number 645097, and said Order is final.

Effective this 21st day of April, 2016.



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

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF
MYTEE CONDARCO
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN34520
RESPONDENT

VOLUNTARY SURRENDER OF
LICENSE IN LIEU OF OTHER
DISCIPLINARY ACTION

CASE NO. 0124-15C

I, MYTEE CONDARCO, wish to voluntarily surrender my Nevada Nursing License. I voluntarily and knowingly admit the following facts:

1. I am licensed as a Licensed Professional Nurse in the State of Nevada and I was licensed at the time of the conduct described herein and am, therefore, subject to the jurisdiction of the Board.
2. I admit that on December 17, 2014, while licensed and working as a Registered Nurse at a hospital in Henderson, Nevada, I was impaired while on duty. I further admit that I submitted to a urine drug screen which was positive for Morphine and Marijuana. I do not have valid prescriptions for Morphine or Marijuana. I admit these factual allegations constitute grounds for disciplinary action pursuant to Nevada Revised Statutes 632.320 (1)(e) controlled substances and/or alcohol and (1)(g) unprofessional conduct, and Nevada Administrative Code 632.890 (9) impaired practice and (10) positive drug screen on duty.
3. I am aware of, understand, and have been advised of the effect of this Voluntary Surrender.
4. I have read this Voluntary Surrender and I fully understand and acknowledge its facts and terms.
5. I am aware that I have certain constitutional rights, including:
 - a. I have the right to hire an attorney to represent me in this proceeding;

- 1 b. I have the right to demand a hearing on the charges against me, and I can require
2 the Board staff to prove the allegations;
3 c. I have the right to cross-examine the witnesses against me;
4 d. I have the right to call witnesses to provide evidence in my own behalf;
5 e. I have other rights accorded to me under Nevada Revised Statutes Chapters 233B,
6 and 632. Also, I have rights accorded to me under Nevada Administrative Code
7 Chapter 632.

8 6. I am aware of the foregoing rights, and I voluntarily, knowingly, and intelligently
9 waive these rights in return for the Board accepting my voluntary surrender of my
10 Nevada nursing license in lieu of other disciplinary action.

11 7. I understand this Voluntary Surrender is considered a disciplinary action and as such
12 will become part of my permanent record.

13 8. I understand this Voluntary Surrender is considered public information.

14 9. I understand this Voluntary Surrender is considered a disciplinary action and will be
15 reported to any national repository, which records disciplinary action taken against
16 licensees or certificate holders, or any agency or another state, which regulates the
17 practice of nursing.

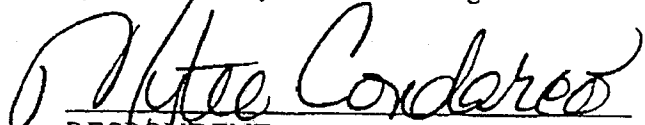
18 10. I understand this Voluntary Surrender may be used in any subsequent hearings by the
19 Board as evidence against me to establish a pattern of behavior and for the purpose of
20 proving additional acts of misconduct.

21 11. This Voluntary Surrender shall not be construed as excluding or reducing any
22 criminal or civil penalties or sanction or other remedies that may be applicable under
23 federal, state or local laws.

24 12. I understand that this surrender is effective the day it is accepted by the Nevada State
25 Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree
26 to immediately cease and desist from practicing as a Registered Nurse.
27
28

1 I, MYTEE CONDARCO, by my signature affixed below, agree with the foregoing facts
2 and representations and therefore choose to voluntarily surrender my Nevada nursing license.

3
4 Dated this 1 day of April, 2015

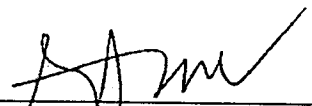

RESPONDENT
MYTEE CONDARCO

6
7 Dated this 9 day of April, 2015


CARRIE MCCREA HANLON, ESQ.

14
15 Accepted and approved this 22 day of May, 2015

17 NEVADA STATE BOARD OF NURSING

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19
20 By: 
21 Rhigel Tan, DNP, RN, APRN
22 Board Vice President
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