



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
Registered Nurse License Number 605172	§	
& Vocational Nurse License Number 57032	§	
issued to NANCY HARGER TYLER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NANCY HARGER TYLER, Registered Nurse License Number 605172 and Vocational Nurse License Number 57032, 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)(10), 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 June 3, 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 vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Lamar School of Vocational Nursing, Port Arthur, Texas on July 19, 1973 and received an Associate Degree in Nursing from Lamar State College, Orange, Texas, on May 28, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on July 19, 1973 and was licensed to practice professional nursing in the State of Texas on June 22, 1994.

5. Respondent's nursing employment history includes:

1973-1974	Licensed Vocational Nurse	St. Elizabeth Hospital Beaumont, Texas
1975-1976	Licensed Vocational Nurse	Silsbee Doctors Hospital Silsbee, Texas
1976-present	Registered Nurse	Silsbee Convalescent Center Silsbee, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Silsbee Convalescent Center, Silsbee, Texas, and had been in that position for approximately thirty-nine (39) years.

7. On or about June 3, 2015, through June 12, 2015, while employed as a Registered Nurse with Silsbee Convalescent Center, Silsbee Texas, Respondent attempted to obtain multiple prescriptions of Ativan from Walgreens Pharmacy, Beaumont, Texas, through the use of fraudulent telephonically communicated prescriptions for herself, using the name and Drug Enforcement Agency (DEA) number assigned to Syed Anwar, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Ativan through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. In response to Finding of Fact Number Seven (7), Respondent states the incident, while serious, was an honest mistake based on a misunderstanding between her doctor and the staff at her doctors office. Respondent states she had trouble getting her medication and was leaving out of town. The office had not yet called it in so Respondent called Dr. Anwar and she thought he had said for her to call it in, while in hindsight he probably said he would call it in. Respondent states she was not trying to get any extra doses of her medication, just the prescribed.

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(1)(B),(4),(6)(A),(6)(H),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas

Occupations Code, to take disciplinary action against Registered Nurse License Number 605172 and Vocational Nurse License Number 57032, heretofore issued to NANCY HARGER TYLER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. 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 **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

- A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care**. For the purposes of this Order, direct patient care involves a personal relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.
- B. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- C. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. 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 entry of this Order:

**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.

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](http://www.bon.texas.gov/compliance).*

**IV. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)**

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Order had the license(s) not been placed in limited status.

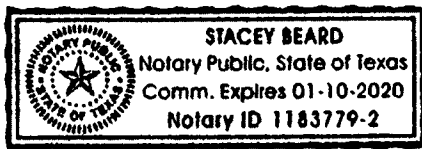
RESPONDENT'S CERTIFICATION

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. 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 28<sup>th</sup> day of June, 2016.  
Nancy Harger Tyler  
NANCY HARGER TYLER, Respondent

Sworn to and subscribed before me this 28<sup>th</sup> day of June, 2016.

SEAL



Stacey Beard  
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]  
RYAN GERTZ, Attorney for Respondent

Signed this 28 day of June, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28 day of June, 2016, by NANCY HARGER TYLER, Registered Nurse License Number 605172 and Vocational Nurse License Number 57032, and said Order is final.

Effective this 9 day of August, 2016.



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