



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 A. Mann*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Vocational Nurse License Number 79482 §  
issued to CAROL JANE MANN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROL JANE MANN, Vocational Nurse License Number 79482, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

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

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 current status.
4. Respondent received a Certificate in Vocational Nursing from Central Texas College of Vocational Nursing, Austin, Texas, on August 25, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1978.
5. Respondent's nursing employment history includes:
 

1978 - 2008	LVN	St. David's HCS Austin, Texas
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Respondent's nursing employment history continued:

2008 - 2011	LVN	Reliant Rehabilitation of Texas Round Rock, Texas
2011 - 2013	LVN	Yorktown Nursing and Rehabilitation Yorktown, Texas
07/13 - 02/15	LVN	Cuero Nursing and Rehabilitation Cuero, Texas
02/15 - 03/15	Unknown	
03/15 - Unknown	LVN	Maxim Healthcare Services Austin, Texas

6. On or about March 4, 2016, Respondent was issued a Confidential Agreed Order for Peer Assistance Program by the Board which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Respondent has not completed the terms of the order. A copy of the Findings of Fact, Conclusions of Law, and Confidential Agreed Order for Peer Assistance Program dated March 4, 2016, is attached and incorporated, by reference, as part of this Order.
7. On or about November 3, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on March 4, 2016. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she withdrew from TPAPN. Stipulation I (D) reads, in pertinent part:  
  
"RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement."  
  
On or about November 3, 2016, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
9. 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.

10. 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)&(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 79482, heretofore issued to CAROL JANE MANN, 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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

#### TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 79482, heretofore issued to CAROL JANE MANN, to practice nursing in the State of Texas, is accepted by 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 "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself 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:
  - A. At least one (1) year has elapsed from the date of this Order; and,
  - B. 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.

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RESPONDENT'S CERTIFICATION

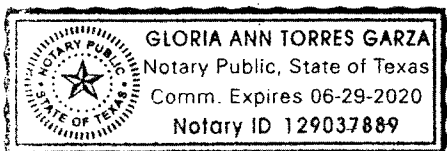
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 4<sup>th</sup> day of June, 2018.

Carol Jane Mann  
CAROL JANE MANN, Respondent

Sworn to and subscribed before me this 4<sup>th</sup> day of June, 2018.

SEAL



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Vocational Nurse License Number 79482, previously issued to CAROL JANE MANN.

Effective this 6th day of June, 2018.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § CONFIDENTIAL  
Vocational Nurse License Number 79482 § AGREED ORDER FOR  
issued to CAROL JANE MANN § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROL JANE MANN, Vocational Nurse License Number 79482, 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)(9),(10)&(13), 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 November 9, 2015.

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 current status.
4. Respondent received a Certificate in Vocational Nursing from Central Texas College Vocational Nursing, Austin, Texas, on August 25, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1978.
5. Respondent's vocational nursing employment history includes:  

1978 - 2008	LVN	St. David's HCS Austin, Texas
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Respondent's vocational nursing employment history continued:

2008 - 2011	LVN	Reliant Rehabilitation of Texas Round Rock, Texas
2011 - 2013	LVN	Yorktown Nursing and Rehabilitation Yorktown, Texas
07/2013 - 02/2015	LVN	Cuero Nursing and Rehabilitation Cuero, Texas
02/2015 - 03/2015	Unknown	
03/2015 - Present	LVN	Maxim Healthcare Services Austin, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7), and Eight (8), Respondent was employed as a Licensed Vocational Nurse with Cuero Nursing and Rehabilitation, Cuero, Texas, and had been in that position for approximately one (1) year and six (6) months.
7. On or about January 2, 2015, through January 26, 2015, while employed as a Licensed Vocational Nurse with Cuero Nursing and Rehabilitation, Cuero, Texas, Respondent signed out various controlled substances including Norco, Lortab, Tramadol, and Tylenol with Codeine from the facility's Individual Controlled Drug Record for multiple patients; but failed to document, or adequately document the administration of those medications to patients. Respondent's failure to adequately document had the potential to harm patients.
8. On or about January 27, 2015, while employed as a Licensed Vocational Nurse with Cuero Nursing and Rehabilitation, Cuero, Texas, Respondent produced a specimen for a for-cause drug screen that resulted positive for Opiates and Benzodiazepines. Respondent, defended this positive drug screen by producing a prescription for these two medication groups filled in August 2014.
9. In response to Findings of Fact Numbers Seven (7), and Eight (8), Respondent admits and takes full responsibility for failing to completely documenting the medications and the administration of the medications. Respondent states the failure to document is attributable to her actions, but also a high patient volume, administrative demands on her time, the facility culture, and systems errors. Respondent agrees that she suffers from depression and anxiety related to her chronic pain syndrome. Respondent agrees to seek professional assistance for her mental health issues.



10. On September 17, 2015, and October 9, 2015, Respondent underwent a forensic psychological evaluation at the request of the Board. Respondent was evaluated by Alexander Howe, Ph.D. Dr. Howe opines Respondent suffers from Generalized Anxiety Disorder and Adjustment Disorder with Depressed Mood. Respondent may also suffer from Persistent Depressive Disorder. Dr. Howe opined that Respondent does not have an active substance abuse disorder, but does suffer from chronic pain. Therefore, Dr. Howe recommends on-going treatment by a psychiatrist, a mental health counselor and a pain management specialist. He further recommends AA. Dr. Howe suggested this monitoring can be done by TPAPN; however, it needs to be flexible in addressing the particulars of Respondent's medical diagnosis as well as her access to treatment providers in her geographical area.
11. 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.
12. Respondent's actions as described in the preceding Finding(s) of Fact were significantly influenced by Respondent's psychological health.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to psychiatric conditions and chronic pain.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
15. On or about October 6, 2015, Respondent successfully completed a course in Texas nursing jurisprudence and ethics, which would have been a requirement of this order.

#### 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)(D)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E)&(10)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 79482, heretofore issued to CAROL JANE MANN, 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.
6. 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.

### TERMS OF ORDER

#### I. PEER ASSISTANCE PROGRAM REQUIREMENTS

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):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of three hundred fifty dollars (\$350.00);
- C. 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;
- D. 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; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

## II. COMPLIANCE WITH LAW AND APPLICABILITY

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.

- 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. As a result of this Order, Respondent's license will be designated "single state" and 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.

## III. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

## IV. EFFECT OF NONCOMPLIANCE

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 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.

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V. **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

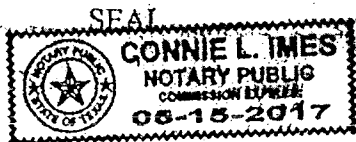
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I 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 entry of this Order and all conditions of said 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 29<sup>th</sup> day of February, 2016.

Carol Jane Mann  
CAROL JANE MANN, Respondent

Sworn to and subscribed before me this 29<sup>th</sup> day of February, 2016.



Connie L. Imes  
Notary Public in and for the State of Texas

Approved as to form and substance.

Jon E. Porter  
Jon E. Porter, Attorney for Respondent

Signed this 4<sup>th</sup> day of March, 2016.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 29th day of February, 2016, by ~~CAROL JANE MANN~~, Vocational Nurse License Number 79482, and said Order is final.

Effective this 4th day of March, 2016.



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