

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.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Registered Nurse License Number 932174  
issued to ANGELA GRIFFIN MCMAHON

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANGELA GRIFFIN MCMAHON, Registered Nurse License Number 932174, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 4, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Mcneese St University-De, Lake Charles, Louisiana, on May 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on October 9, 2017.
5. Respondent's nursing employment history includes:

10/2017	Unknown	
11/2017 – 10/2018	RN	Houston Methodist Baytown Hospital Houston, Texas

Respondent's nursing employment history continued:

10/2018 – 05/2019	RN	CHI St. Luke's Health Sugar Land Hospital Sugar Land, Texas
06/2019 – Present	Unknown	

6. On or about September 22, 2017, Respondent was issued an Eligibility Agreed Order through an Order of the Board. On or about October 2, 2018, Respondent successfully completed the terms of the Order. A copy of the September 22, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Houston Methodist Baytown Hospital, Houston, Texas, and had been in that position for eleven (11) months.
8. On or about June 30, 2018, while employed as a Registered Nurse with Houston Methodist Baytown Hospital, Baytown, Texas, Respondent withdrew one (1) vial of Hydromorphone .5mg from the medication dispensing system for Patient Medical Record Number 2100052525576, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of Texas Health and Safety Code.
9. On or about June 30, 2018, while employed as a Registered Nurse with Houston Methodist Baytown Hospital, Baytown, Texas, Respondent misappropriated one (1) vial of Hydromorphone .5mg from Patient Medical Record Number 2100052525576 or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about August 21, 2018, through September 21, 2018, while employed as a Registered Nurse with Houston Methodist Baytown Hospital, Baytown, Texas, Respondent withdrew five (5) vials of Hydromorphone 2mg from the medication dispensing system for patients without valid physician's orders. Respondent's conduct was likely to injure patients in that the administration of medications without valid physician's orders could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. On or about March 7, 2019, through April 29, 2019, while employed as a Registered Nurse with CHI St. Luke's Health Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew nine (9) vials of Fentanyl 50mcg, one (1) vial of Morphine 10mg, and one (1) vial of Morphine 4mg, from the medication dispensing system for patients but failed to document and/or accurately and completely document the administration of the medication

in the patients' Medication Administration Record (MAR) and/or Nurses' Notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

12. On or about March 7, 2019, through April 29, 2019, while employed as a Registered Nurse with CHI St. Luke's Health Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew nine (9) vials of Fentanyl 50mcg, two (2) vials of Morphine 10mg, and one (1) vial of Morphine 4mg from the medication dispensing system for patients but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
13. On or about March 7, 2019, through April 29, 2019, while employed as a Registered Nurse with CHI St. Luke's Health Sugar Land Hospital, Sugar Land, Texas, Respondent misappropriated nine (9) vials of Fentanyl 50mcg, two (2) vials of Morphine 10mg, and one (1) vial of Morphine 4mg belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
14. On or about March 7, 2019, through April 29, 2019, while employed as a Registered Nurse with CHI St. Luke's Health Sugar Land Hospital, Sugar Land, Texas, Respondent withdrew nine (9) vials of Fentanyl 50mcg, two (2) vials of Morphine 10mg, and one (1) vial of Morphine 4mg from the medication dispensing system for patients without valid physician's orders. Respondent's conduct was likely to injure the patients, in that the administration of the medications without a valid physician's order could result in the patients suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
15. On or about May 1, 2019, while employed as a Registered Nurse with CHI St. Luke's Health Sugar Land Hospital, Sugar Land, Texas, Respondent engaged in the intemperate and/or unlawful use of Amphetamine, Lorazepam, Fentanyl, Hydromorphone, and Morphine in that she produced a specimen for a reasonable suspicion drug screen that resulted positive for Amphetamine, Lorazepam, Fentanyl, Hydromorphone, and Morphine. Unlawful possession of Amphetamine, Lorazepam, Fentanyl, Hydromorphone, and Morphine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Amphetamine, Lorazepam, Fentanyl, Hydromorphone, and Morphine by a Nurse while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions, regarding patient care, thereby placing a patient in potential danger.

16. In response to Findings of Fact Numbers Eight (8) through Fifteen (15), Respondent states she failed to waste medication once because there was no one to witness the wastage. Respondent states other medications were discarded by mistake. Respondent states she no longer works in a direct patient care environment and she's willing to submit to random drug screens.
17. Formal Charges were filed on August 22, 2019.
18. 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 301.451-301.555, 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) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 932174, heretofore issued to ANGELA GRIFFIN MCMAHON.
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. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 932174, previously issued to ANGELA GRIFFIN MCMAHON, to practice

nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

## 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 suspension being stayed, unless otherwise specifically indicated:**

**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 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. 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.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

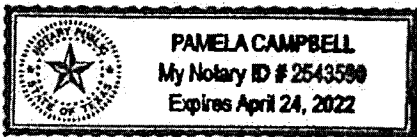
Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT 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 Order. I waive representation by counsel. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.



Signed this 24<sup>th</sup> day of September, 2019.  
Angela Griffin McMahon  
ANGELA GRIFFIN MCMAHON, RESPONDENT

Sworn to and subscribed before me this 24<sup>th</sup> day of September, 2019.

SEAL

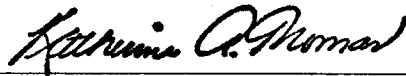
Pamela Campbell

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 ratify and adopt the Agreed Order that was signed on the 24th day of September, 2019, by ANGELA GRIFFIN MCMAHON, Registered Nurse License Number 932174, and said Agreed Order is final.

Effective this 7<sup>th</sup> day of October, 2019.



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