

**In the Matter of
Permanent Registered Nurse
License Number 795480
Issued to MISTY J PULLEN,
Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**
§
§ **ELIGIBILITY AND**
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Misty Pullen
1809 Mount Vernon Ct
Flower Mound, TX 75028

During open meeting held in Austin, Texas, on November 10, 2020, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

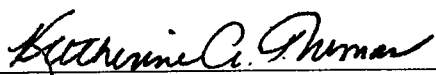
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 795480, previously issued to MISTY J PULLEN to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 10th day of November, 2020

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed July 16, 2020

d17r(2020.09.10)

Re: Permanent Registered Nurse License Number 795480
Issued to MISTY J PULLEN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2020nd, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,

Copy Via USPS First Class Mail

Misty Pullen
1809 Mount Vernon Ct
Flower Mound, TX 75028

Copy Via USPS First Class Mail

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of
Permanent Registered Nurse
License Number 795480
Issued to MISTY J PULLEN,
Respondent**

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§
**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MISTY J PULLEN, is a Registered Nurse holding license number 795480 which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about June 13, 2019 through June 28, 2019 while employed as a Registered Nurse with Medical City Dallas Hospital, Dallas, Texas, and assigned to the Emergency Department, Respondent falsely documented the administration of Fentanyl in patient medical record number H001055962's Medication Administration Record (MAR) in that the medication dispensing system reflected the medication was pulled after Respondent documented the medication was administered, as summarized below:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurses' Notes
6/20/19	1132	H001055962	Fentanyl 100mcg/2ml inj (1)	50mcg 1219	Fentanyl 50mcg Inj IV X1ED	50mcg 1115	None

Respondent's conduct created an inaccurate medical record and failure to administer medication as ordered by the physician could have resulted in non-efficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H)&(10)(B).

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CHARGE II

On or about September 4, 2019, while employed as a Registered Nurse with University of Texas Southwestern Medical Center, Dallas, Texas, and assigned to the Labor & Delivery (5 Blue/L&D), Respondent failed to appropriately document pain assessments and/or reassessments in the medical record of Patient Medical Record Number 91433198. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE III.

On or about September 4, 2019, while employed as a Registered Nurse with University of Texas Southwestern Medical Center, Dallas, Texas, and assigned to the Labor & Delivery (5 Blue/L&D), Respondent withdrew Dilaudid from the medication dispensing system for patient medical record number 91433198 without a valid physician's order. Subsequently, Dr. Stephanie Byerly stated she never ordered Dilaudid for this patient. Respondent's conduct was likely to injure the patient, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE IV.

On or about September 4, 2019, while employed as a Registered Nurse with University of Texas Southwestern Medical Center, Dallas, Texas, and assigned to the Labor & Delivery (5 Blue/L&D), Respondent withdrew Dilaudid 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, as summarized below:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Physician's Order	MAR	Nurses' Notes
12/4/19	1949	91433198	Dilaudid 2mg /1ml inj (1)	1.5mg 2058	Dilaudid 0.25mg IV STAT	0.25mg 1950	None

			*Override Mode		*Provider Stephanie Byerly, MD		
12/4/19	2128	91433198	Dilaudid 2mg /1ml inj (1) *Override Mode	1.5mg 0201 12/5/19	Dilaudid 0.25mg IV once PRN	0.25mg 2212	None

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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE V.

On or about September 4, 2019, while employed as a Registered Nurse with University of Texas Southwestern Medical Center, Dallas, Texas, and assigned to the Labor & Delivery (5 Blue/L&D), Respondent misappropriated one (1) injection of Dilaudid 0.50mg 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, thereof, of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

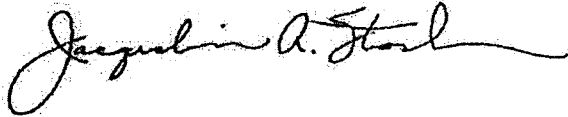
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, on adopted policies related to Behavior Involving Lying and Falsification, and on adopted policies related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 16th day of July, 2020.

TEXAS BOARD OF NURSING



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