



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.
William J. McMillan
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 868205
Issued to CARRIE ELIZABETH MCILLANEY,
Respondent**

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

ORDER OF THE BOARD

TO: Carrie Mcillaney
PO Box 1863
Whitney, TX 76692

During open meeting held in Austin, Texas, on December 8, 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 868205, previously issued to CARRIE ELIZABETH MCILLANEY 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 8th day of December, 2020

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charges filed June 16, 2020

d17r(2020.11.17)

Re: Permanent Registered Nurse License Number 868205
Issued to CARRIE ELIZABETH MCILLANEY
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 2020, 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

Carrie Mcillaney
Po Box 1863
Whitney, TX 76692

Copy Via USPS First Class Mail

Carrie Elizabeth McIllaney
PO Box 953
Belton, TX 76513

BY: _____



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

In the Matter of
Permanent Registered Nurse
License Number 868205
Issued to CARRIE ELIZABETH
MCILLANEY,
Respondent

§
§ BEFORE THE TEXAS
§
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CARRIE ELIZABETH MCILLANEY, is a Registered Nurse holding license number 868205 which is in delinquent 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 February 6, 2020, Respondent's Michigan registered nurse license was Suspended through a Consent Order issued by the State of Michigan Board of Nursing, Lansing, Michigan. A copy of the State of Michigan Board of Nursing's Consent Order dated February 6, 2020, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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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 June 2020.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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D(2020.05.29)

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

CARRIE MCILLANEY, R.N.
License No. 47-04-241812,

File No. 47-19-000225

Respondent.

CONSENT ORDER

On June 26, 2019, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent Carrie McIllaney, RN, with violations of the Public Health Code, MCL 333.1101 *et seq.* The Department executed an Order of Summary Suspension on the same date.

The parties have stipulated that the Michigan Board of Nursing Disciplinary Subcommittee (DSC) may enter this Consent Order and Stipulation. The DSC has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and violate MCL 333.16221(a) and (c)(iii).

Accordingly, IT IS ORDERED the order of summary suspension previously issued is DISSOLVED. Count II, Count III and Count IV, alleging violations of MCL 333.16221(b)(i), (b)(vi) and (c)(iv) respectively, are DISMISSED.

Respondent's license to practice as a registered nurse in the State of Michigan is SUSPENDED for a minimum of nine months commencing on the effective date of this order. Respondent shall be given credit for the time her license has been summarily suspended.

Reinstatement of Respondent's license shall not be automatic. Respondent may apply for reinstatement pursuant to MCL 333.16245 and 16247 and Mich Admin Code, R 792.10711 no earlier than 90 days before the end of the minimum suspension period.

Should Respondent petition for reinstatement, Respondent shall provide, at

a minimum, satisfactory evidence of her safety to practice and a current substance abuse evaluation.

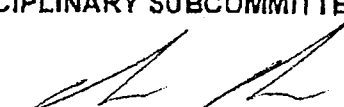
Respondent is solely responsible for payment of all costs incurred in complying with the terms of this Order.

If Respondent violates any provision of this Order, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

Respondent is FINED seven hundred and fifty dollars (\$750.00), to be paid to the State of Michigan within six months of the effective date of this Order. Respondent shall direct payment to the Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display File Number 47-19-000225.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the DSC.

**MICHIGAN BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE**


By: Chairperson, Disciplinary Subcommittee

Dated: 2-6-2020

STIPULATION

The Department of Licensing and Regulatory Affairs and Respondent Carrie McIlaney, RN, stipulate as follows:

1. The facts alleged in the Complaint are true and violate MCL 333.16221(a) and (c)(iii).

2. Respondent understands and intends that, by signing this Stipulation, Respondent waives the right, under the Public Health Code, its administrative rules, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presenting evidence and legal authority, and Respondent is waiving the right to appear with an attorney and witnesses to present a defense to the charges.

3. This matter is a public record that must be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

4. This action will be reported to the National Practitioner Data Bank and any other entity as required by state or federal law.

5. Respondent approves the form and substance of this Order. This Order may be entered as the final order of the Disciplinary Subcommittee in this matter.

6. This Order is effective only upon acceptance by the DSC. Respondent and the Department reserve the right to further proceedings without prejudice if the DSC rejects this Order.

7. The parties considered the following factors in agreeing to the above terms:

- a. Respondent wishes to save the time and expense of an administrative hearing by pleading no contest to counts I and V, negligence and practicing outside the scope of her license.
- b. Respondent had no prior disciplinary history since becoming licensed in 2003.

Agreed to by:

Forrest Pasanski
Forrest Pasanski, Director
Enforcement Division Director
Bureau of Professional Licensing

Dated: 12-16-19

Agreed to by:

Carrie McIlaney
Carrie McIlaney, RN,
Respondent

Dated: 12-6-19

Derek Wilczynski
Derek Wilczynski (P57079)
Attorney for Respondent

Dated: 12-2-19

pc

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

CARRIE McILLANEY, R.N.
License No. 47-04-241812,

File No. 47-19-000225

Respondent.

ORDER OF SUMMARY SUSPENSION

The Department filed an *Administrative Complaint* against Respondent as provided by the Public Health Code, MCL 333.1101 *et seq*, the rules promulgated under the Code, and the Administrative Procedures Act, MCL 24.201 *et seq*.

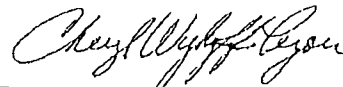
After careful consideration and after consultation with the Chairperson of the Board of Nursing pursuant to MCL 333.16233(5), the Department finds that the public health, safety, and welfare requires emergency action.

Therefore, IT IS ORDERED that Respondent's license to practice nursing in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this *Order* is served.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this *Order* by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 06/26/19



By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

CARRIE McILLANEY, R.N.
License No. 47-04-241812,

File No. 47-19-000225

Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent Carrie McIllaney, R. N. as follows:

1. The Michigan Board of Nursing is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.7311, MCL 333.16226, and MCL 333.17768, the Board's Disciplinary Subcommittee (DSC) is empowered to discipline licensees for violations of the Public Health Code.
2. Respondent holds a Michigan license to practice as a registered nurse.
3. Hydromorphone (e.g., Dilaudid) is a frequently diverted and abused opioid schedule 2 controlled substance.
4. Morphine is a frequently diverted and abused schedule 2 controlled substance.

5. Tramadol (e.g., Ultram) is an opioid Schedule 4 controlled substance.
6. Hydrocodone is an opioid. Hydrocodone combination products (e.g., Norco), are Schedule 2 controlled substances due to their high potential for abuse.
7. Fentanyl is an opioid schedule 2 controlled substance. Fentanyl is between 50 and 100 times as potent as morphine.
8. Midazolam (e.g., Versed) is a commonly abused and diverted benzodiazepine schedule 4 controlled substance.

Hurley Medical Center- Saginaw, MI

9. Respondent was employed by Vital Nurse Staffing LLC (VNS) and was placed at the Hurley Medical Center (HMC) in Saginaw, Michigan.
10. Respondent came to the attention of HMC management when discrepancies appeared with records of Respondent's handling of controlled substances.
11. Records from September 20, 2018 through October 20, 2018 indicate the following discrepancies for Respondent:

Drug	Entire Vials Unaccounted for	Unaccounted for Waste	Total Amount Unaccounted for
Fentanyl	7 (100mcg each)	400 mcg	1100 mcg
Hydromorphone (Dilaudid)	7 (1 mg vials) 4 (2 mg vials)	5.25 mg	20.25 mg
Midazolam (Versed)	1 (2 mg vial) 1 (5 mg vial)	1 mg	8 mg
Morphine	1 (4 mg vial)	0 mg ¹	4 mg

12. Records also indicated that on or about October 4, 2018 and again on or about October 17, 2018 that Respondent withdrew Dilaudid for a patient where there was no physician order for Dilaudid. Respondent failed to document the administration, return or waste of the Dilaudid.

13. The records also indicated that at various times Respondent would document administering medication but there would be no record of that medication being withdrawn.

14. The nurse manager and pharmacy coordinator interviewed Respondent regarding these discrepancies. Respondent could not give an explanation as to how they occurred.

¹ No record of administration.

15. A sheriff's deputy and a security officer were summoned. The security officer noticed Respondent's pupils were constricted, and asked Respondent if she was on any medications. Respondent stated she took a Percocet 5 mg earlier.

16. Respondent's contract was terminated. The nurse manager, an HMC security officer and the sheriff's deputy escorted Respondent out of the building. The security officer requested Respondent's consent to search her bag. Respondent declined.

17. On or about October 19, 2018, VNS was notified of Respondent's termination and management attempted to contact Respondent to make sure a drug test was administered that day. Starting at approximately 10am, VNS made repeated attempts to call and text Respondent. No phone call was answered, and Respondent's voicemail box was full and would not accept any messages.

18. On or about October 19, 2018 at approximately 4:30pm VNS received a text from Respondent stating that she attempted to take a drug test at Employee Health in Gaylord, Michigan but was not allowed to do so. VNS suggested Respondent go to the Emergency Room for drug testing and VNS would pay for the visit. Respondent failed to report for the drug test.

Upper Peninsula Health System Marquette Hospital

19. Subsequently, Respondent obtained employment through Health Source Global and was contracted to work at the Upper Peninsula Health System Marquette Hospital in Marquette, Michigan.

20. On or about January 11, 2019, staff reported to the director of nursing that two tablets of Norco 7.5/325 mg were found in the dictation room right after Respondent left the room.

21. The director of nursing asked pharmacy to provide medication access records for Respondent to compare with the actual patient orders. The director of nursing discovered that Respondent failed to complete her medication documentation and questioned Respondent regarding the records. Respondent stated that her documentation was not complete.

22. The director of nursing asked Respondent to complete the records. Respondent went to the nursing station to complete her records and requested help to operate the system, even though she had been trained on its operation. The director of nursing asked another nurse to show Respondent how to use the system. At this time, Respondent stated that she had some Dilaudid in her pocket to waste.

23. The director of nursing and another nurse went into the patient room to waste the Dilaudid with Respondent. Respondent updated the patient record by entering Dilaudid 0.25 mg was administered. The director of nursing informed Respondent that the patient's medication order was for Dilaudid 0.5 mg. Respondent stated that the patient did not want that much medication until discharge, so Respondent chose not to give the full dose to the patient. Respondent stated that she did not know that she could not deviate from the medication order and that a physician was needed to change the order.

24. At this point the director of nursing took Respondent to the ICU management office and asked Respondent to empty her pockets. The contents are as follows:

- a. 1 empty vial of morphine 4 mg,

- b. 1 vial of Dilaudid 1 mg/1 ml with 0.7 ml solution still in the vial,
- c. 1 vial of Dilaudid 0.5 mg/0.5 ml with 0.25 ml solution still in the vial,
- d. 2 Norco 7.5/325 mg tablets,
- e. 3 Ultram tablets,
- f. 1 10 ml normal saline syringe with 5 ml remaining, and
- g. Assorted needles.

25. Respondent claimed she had the vial and other medication due to not having enough time to return or waste it properly. Respondent claimed the half-empty syringe was for her personal use with her contact lenses.

26. Based upon the circumstances and the contents of Respondent's pockets, the director of nursing asked human resources to approve a drug test for Respondent. As Respondent retrieved her belongings from the breakroom, a nurse witnessed Respondent moving a syringe from her bag into her coat. Respondent requested to go to the restroom. Upon leaving the restroom, the nurse questioned Respondent about the syringe. Respondent stated the syringe just had saline in it for her contact lenses.

27. On the way to the drug test, Respondent stated that she refused to take the drug test. Respondent's contract was terminated.

COUNT I

Respondent's conduct constitutes a violation of a general duty, consisting of negligence or failure to exercise due care, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely or skillfully engage in the practice of the health profession, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct demonstrates Respondent's lack of a "propensity . . . to serve the public in the licensed area in a fair, honest, and open manner," MCL 338.41(1), and accordingly a lack of "good moral character," in violation of MCL 333.16221(b)(vi).

COUNT IV

Respondent's conduct constitutes obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

COUNT V

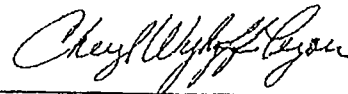
Respondent's conduct constitutes practicing outside the scope of the license in violation of MCL 333.16221(c)(iii).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer it in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the written answer to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of all Complaint allegations. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 06/26/19



By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing