



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.
Stephanie O'Hanrahan
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 661515
Issued to TRACY DEANN MCGUIRE,
Respondent**

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

ORDER OF THE BOARD

TO: Tracy McGuire
30541 FM 47
Canton, TX 75103

During open meeting held in Austin, Texas, on February 9, 2021, 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 661515, previously issued to TRACY DEANN MCGUIRE 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 9th day of February, 2021

TEXAS BOARD OF NURSING

BY:  _____

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

Attachment: Formal Charges filed December 18, 2020

d17r(2021.01.13)

Re: Permanent Registered Nurse License Number 661515
Issued to TRACY DEANN MCGUIRE
DEFAULT ORDER - REVOKE

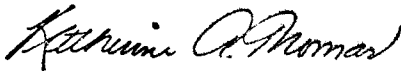
CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February, 2021, 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

Tracy McGuire
30541 FM 47
Canton, TX 75103

BY: 

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

**In the Matter of
Permanent Registered Nurse
License Number 661515
Issued to TRACY DEANN MCGUIRE,
Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TRACY DEANN MCGUIRE, is a Registered Nurse holding license number 661515 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 January 29, 2018, while employed as a Registered Nurse with Dallas Regional Medical Center, Mesquite, Texas, Respondent wrote telephone orders for Norco 10mg and Ambien 5mg for Patient Medical Record Number 104837745 without obtaining the required authorization for the order from the physician. Furthermore, the physician denied giving the orders or being on call that night. Respondent's conduct was likely to injure the patient from non-efficacious medical treatment, obtained without the benefit of a physician's expertise. Additionally, Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient.

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).

CHARGE II.

On or about June 21, 2020, while employed as a Registered Nurse with CHRISTUS Mother Frances, Tyler, Texas, Respondent inappropriately entered an order for Ambien for Patient BL under the name of another nurse. Subsequently, Respondent falsely scanned Ambien 10mg as administered to the patient, although the patient did not take it. On or about June 22, 2020, the patient reported that she never took Ambien when asked how she slept. Respondent's conduct left the scanned Ambien unaccounted for. Further, Respondent's conduct created an inaccurate medical record and was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patients. In addition, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). Furthermore, Respondent's conduct was likely to defraud the facility and the patient of the cost of the medication.

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),(1)(C),(4),(6)(A),(6)(H),(10)(B),(10)(C)&(11)(B).

CHARGE III.

On or about July 15, 2020, while employed as a Registered Nurse with CHRISTUS Mother Frances, Tyler, Texas, Respondent withdrew Ambien 5mg for Patient LH, but instead of administering the Ambien, a round shaped tablet, to the patient, Respondent administered an oval shaped tablet. When the patient asked about the difference in shape, Respondent falsely informed the patient that the manufacturer changed. Respondent failed to document that Ambien was administered or wasted, and thus left the Ambien unaccounted for, either misappropriating the medication or failing to take precautions to prevent such misappropriation.

Furthermore, on July 16, 2020, when the patient requested Ambien and informed Respondent that she did not want the same oval shaped tablet as the night prior, Respondent falsely informed the patient that all of the Ambien tablets in the Pyxis machine were oval. Respondent brought an opened package to the patient containing an oval shaped tablet that did not fit in the package and was labeled with the number L612 to the patient. The patient took the oval shaped tablet, then looked up the number L612 online and identified the tablet she took as Claritin, for which she did not have a physician's order. Subsequently, the patient experienced feeling jittery and anxious as the patient had a history of allergic reaction to antihistamines. It was later discovered that Respondent falsely documented that she administered Ambien instead of Claritin.

Respondent's conduct created an inaccurate medical record and was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient. Further, Respondent's conduct was likely to injure the patient in that failure to administer Ambien as ordered by the physician could have resulted in non-efficacious treatment. In addition, Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act), and defraud the facility and the patient of the cost of the medication. Further, Respondent's conduct was deceptive.

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),(4),(6)(A),(6)(G),(6)(H),(8),(10)(A),(10)(C),(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.

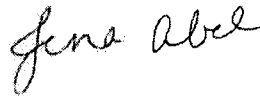
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Behavior Involving Lying and Falsification, 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 18th day of December, 2020.

TEXAS BOARD OF NURSING



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D(2020.07.29)