

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 672024
ISSUED TO
MARY MOE PATTERSON

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Mary Moe Patterson
P.O. Box 573
Snook, Texas 77878

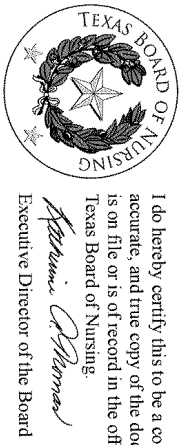
Mary Moe Patterson
405 W. 28th Street
Bryan, Texas 77806

During open meeting held in Austin, Texas, on September 9, 2003, the Eligibility and Disciplinary Committee (herinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE, §213.16.

The Committee of the Board of Nurse Examiners 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 Texas Occupations Code, for retention of Respondent's license to practice professional 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE, §213.16.



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.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code, §2001.056 and 22 Texas Administrative Code, §213.16.

The Eligibility and Disciplinary 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 to set aside the default order (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 Certificate Number 672024, previously issued to MARY MOE PATTERSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 672024, previously issued to MARY MOE PATTERSON, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 9th day of September, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September, 2003, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via first class mail, and addressed to the following person(s):

Mary Moe Patterson
P.O. Box 573
Snook, Texas 77878

Mary Moe Patterson
405 W. 28th Street
Bryan, Texas 77806

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

**In the Matter of Permanent License
Number 672024, Issued to
MARY MOE PATTERSON, Respondent**

**§ BEFORE THE BOARD
§ OF NURSE EXAMINERS
§ FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY MOE PATTERSON, is a Registered Nurse holding license number 672024, 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 November 30, 2001, while employed with Interim Healthcare, Waco, Texas, Respondent engaged in the intemperate use of alcohol as evidenced by her arrest for Driving While Intoxicated by the Rockdale Police Department while driving to a hospital assignment for Interim Healthcare. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

The above action constitutes a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

CHARGE II.

On or about November 30, 2001, while employed with Interim Healthcare, Waco, Texas, Respondent lacked fitness to practice professional nursing as evidenced by her impaired state of intoxication which resulted in her arrest for Driving While Intoxicated by the Rockdale Police Department while driving to a hospital assignment for Interim Healthcare. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes a violation of Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

CHARGE III.

On or about February 15, 2002, Respondent plead guilty and was convicted for the offense of Driving While Intoxicated, a Class B Misdemeanor, and sentenced to eighteen (18) months Community Supervision in the County Court of Milam County, Texas, cause #26069.

The above action constitutes a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

CHARGE IV.

On or about April 17, 2002, while employed with Interim Healthcare, Waco, Texas, and on duty with Madison St. Joseph Hospital, Madisonville, Texas, Respondent engaged in the intemperate use of Marijuana as evidenced by a positive drug screen. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

The above action constitutes a violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

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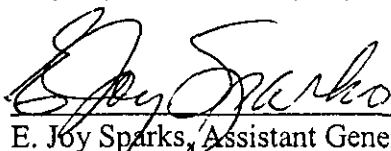
NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33.

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.bne.state.tx.us.

Filed this 22nd day of July, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
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(B) If you schedule an informal conference, it will be held in the Board's office and be conducted as follows:

- (1) You will meet with representatives of the Board.
- (2) A representative of the Board will explain the purpose of the informal conference and present evidence in the Board's possession that may be introduced in a public hearing to substantiate the charges.
- (3) Informal proceedings may be conducted in person, by attorney, or by electronic, telephonic, or written communication.
- (4) Informal proceedings shall be conducted pursuant to the following procedural standards:
 - (a) Respondent shall have a right to be represented by an attorney of record. At any time, should respondent choose to obtain representation by an attorney and advises staff of such choice, the conference will be discontinued;
 - (b) Respondent will be expected to answer questions concerning the allegations contained in notice of complaint or formal charges, but may decline to answer any questions posed during the conference;
 - (c) Respondent and staff participation in the conference is voluntary and may be terminated by either party without prejudicing the right to proceed with a contested case. Respondent will be expected to cooperate fully with the Enforcement Staff to ensure that it has all pertinent information relating to the complaint or formal charges against respondent; and
 - (d) Although, a verbatim transcript is not being kept of the informal conference, party admissions and outline notes may be used at a formal hearing if this matter is docketed as a formal complaint at the State Office of Administrative Hearings.
- (5) You will be given the opportunity to review the evidence presented and to show your compliance with the law or any mitigating circumstances.
 - (a) If compliance with the law can be shown, no further action will be taken by the Board concerning this matter and the charges will be dismissed.
 - (b) If compliance cannot be shown, you will be presented an opportunity to discuss informal disposition of the charges. Should you wish to discuss informal disposition, the Board representatives will outline a recommendation that they are prepared to take to the Board in order to preclude further formal disciplinary action.
 - (c) You may either accept or reject the proposed recommendation for informal settlement made by the Board's representatives on behalf of the Board of Nurse Examiners.
 - (i) A proposed Board Order will be drafted and mailed to you for consideration. Should you accept the proposed Order, you must sign and return it for presentation to the Board for approval or rejection.

MARY MOE PATTERSON

July 23, 2003

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- (ii) Should you reject the proposed Board Order, a Notice of Hearing will be served on you which will set the matter for consideration at a public disciplinary hearing.
- (iii) If the proposed Order is approved by the Board, the matter will be settled. If the proposed Order is rejected by the Board, the Board will make recommended modifications to the proposed Order. A proposed Amended Order will be drafted and mailed to you for your consideration. Should you accept the proposed Amended Order, you must sign and return the Amended Order. The matter will then be settled.
- (iv) Should you reject the proposed Amended Board Order, a Notice of Hearing will be served on you which will set the matter for consideration at a public disciplinary hearing.

(C) You should understand that:

- (1) You are directed to schedule an informal conference. Failure to do so will result in the matter proceeding on a default basis or resulting in the scheduling of a public disciplinary hearing to consider the formal charges filed against you.
- (2) It is your choice to accept or reject the Board representatives recommendation proposed at the informal conference.
- (3) The Board's representatives have the authority to recommend a proposed Order. It is the decision of the Board, itself, whether to accept and enter, modify, or reject any proposed Order.
- (4) The results of any informal disposition or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Michael Garcia, Investigator, Enforcement Division, at the above address, or at (512) 305-6822.

Sincerely,



Katherine A. Thomas, MN, RN
Executive Director

KAT/MG/sv

Enclosure: Formal Charges
0999-DAI