IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 108680	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
VIRGINIA LYNN JOHNSON	§	BOARD OF NURSING

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.
Executive Director of the Board

ORDER OF THE BOARD

TO: Virginia Lynn Johnson
2716 Jackson Drive
Haynesville, Louisiana 71038

During open meeting held in Austin, Texas, on May 10, 2011, the 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 of the Texas Board of Nursing 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 to practice vocational 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 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 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 Certificate Number 108680, previously issued to VIRGINIA LYNN JOHNSON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed October 26, 2010.

Re: Permanent Certificate Number 108680
Issued to Virginia Lynn Johnson
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Virginia Lynn Johnson
2716 Jackson Drive
Haynesville, Louisiana 71038

BY: Katherine A. Thomas

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

In the Matter of Permanent License Number 108680, Issued to VIRGINIA LYNN JOHNSON, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VIRGINIA LYNN JOHNSON, is a Vocational Nurse holding license number 108680, 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 February 25, 2009 through February 27, 2009, while employed as a Licensed Vocational Nurse with Atrium Medical Center at Corinth, Corinth, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Med-Dispense) for patients in excess frequency/dosage of the physician's orders.

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
02/25/2009	100000238	02/15/2009 @ 1415 - Demerol 50mgIV 4-6 hrs PRN 02/15/2009 @ 1545 - Demerol 50mgIV 3-4 hrs PRN	Demerol 50 mg INJ @ 07:28:46	Demerol 50 mg Inj documented as given @ 07:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:57:37	Demerol 50 mg Inj documented as given @ 09:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:38:08	Demerol 50 mg Inj documented as given @ 12:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 09:42:41	Demerol 50 mg Inj documented as given @ 14:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:35:54	Demerol 50 mg Inj documented as given @ 16:50	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:02:00	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:11:21	No documentation	No documentation	None Noted
02/26/2009	"	"	Demerol 50 mg INJ @ 06:57:15	Demerol 50 mg Inj documented as given @ 0700	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:53:39	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted

"	"	"	Demerol 50 mg INJ @ 08:53:15	Demerol 50 mg Inj documented as given @ 1200	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:30:42	Demerol 50 mg Inj documented as given @ 1430	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 13:39:52	Demerol 50 mg Inj documented as given @ 1645	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 15:04:09	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:09:33	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:33:56	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:29:29	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:30:27	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 18:44:02	No documentation	No documentation	None Noted
02/27/2009	"	"	Demerol 50 mg INJ @ 07:07:00	Demerol 50 mg Inj documented as given @ 0715	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:45:36	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 10:18:07	Demerol 50 mg Inj documented as given @ 1145	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:15:07	Demerol 50 mg Inj documented as given @ 1400	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:45:28	Demerol 50 mg Inj documented as given @ 1530	No documentation	None Noted
"	"	"	2-Demerol 25 mg INJ @ 14:58:58 System override - out of stock on 50mg INJ Witnessed.	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 15:05:13	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:42:08	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:35:16	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:36:52	No documentation	No documentation	None Noted

Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

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)(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(C)&(4).

CHARGE II.

On or about February 25, 2009 through February 27, 2009, while employed as a Licensed Vocational Nurse with Atrium Medical Center at Corinth, Corinth, Texas, Respondent withdrew Demerol and Norco from the Medication Dispensing System (Med-Dispense) for patients, but failed to document, or accurately document the administration, including signs, symptoms and responses to the medications in the patient's Medication Administration Record (MAR) and Nurses Notes, as follows:

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
02/25/2009	100000238	02/15/2009 @ 1415 - Demerol 50mgIV 4-6 hrs PRN 02/15/2009 @ 1545 - Demerol 50mgIV 3-4 hrs PRN	Demerol 50 mg INJ @ 07:28:46	Demerol 50 mg Inj documented as given @ 07:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:57:37	Demerol 50 mg Inj documented as given @ 09:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:38:08	Demerol 50 mg Inj documented as given @ 12:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 09:42:41	Demerol 50 mg Inj documented as given @ 14:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:35:54	Demerol 50 mg Inj documented as given @ 16:50	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:02:00	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:11:21	No documentation	No documentation	None Noted
02/26/2009	"	"	Demerol 50 mg INJ @ 06:57:15	Demerol 50 mg Inj documented as given @ 0700	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:53:39	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:53:15	Demerol 50 mg Inj documented as given @ 1200	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:30:42	Demerol 50 mg Inj documented as given @ 1430	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 13:39:52	Demerol 50 mg Inj documented as given @ 1645	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 15:04:09	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:09:33	No documentation	No documentation	None Noted

"	"	"	Demerol 50 mg INJ @ 16:33:56	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:29:29	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:30:27	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 18:44:02	No documentation	No documentation	None Noted
02/27/2009	"	"	Demerol 50 mg INJ @ 07:07:00	Demerol 50 mg Inj documented as given @ 0715	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:45:36	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 10:18:07	Demerol 50 mg Inj documented as given @ 1145	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:15:07	Demerol 50 mg Inj documented as given @ 1400	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:45:28	Demerol 50 mg Inj documented as given @ 1530	No documentation	None Noted
"	"	"	2-Demerol 25 mg INJ @ 14:58:58 System override - out of stock on 50mg INJ Witnessed.	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 15:05:13	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:42:08	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:35:16	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:36:52	No documentation	No documentation	None Noted
02/25/2009	100000248	Lortab 7.5-325 1 tab PO 4hrs PRN (2/19/09 @ 1415). Lortab 7.5 1or2 tab PO 4hrs PRN (2/19/09 @ 1805).	2-Norco 7.5-325mg Tab @ 17:10:31	2 Tab Norco 7.5-325 documented as given @ 0915 and @ 1730	No documentation	None Noted
02/26/2009	"	" and added Demerol 25mg IV on call (02/26/09 @0930)	2-Norco 7.5-325mg Tab @ 10:18:54	2 Tab Norco 7.5-325 documented as given @ 0830	No documentation	None Noted
"	"	"	Demerol 25mg Inj @ 14:20:02	No documentation	No documentation	None Noted
"	"	"	2-Norco 7.5-325mg Tab @ 14:20:25	2 Tab Norco 7.5-325 documented as given @ 1600	No documentation	None Noted
"	"	"	2-Norco 7.5-325mg Tab @ 16:15:00	No documentation	No documentation	None Noted

02/27/2009	"	"	2-Norco 7.5-325mg Tab @ 16:15:00	2 Tab Norco 7.5-325 documented as given @ 0830	No documentation	None Noted
"	"	"	2-Norco 7.5-325mg Tab @ 16:15:00	2 Tab Norco 7.5-325 documented as given @ 1530	No documentation	None Noted

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

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)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(C)&(4).

CHARGE III.

On or about February 25, 2009 through February 27, 2009, while employed as a Licensed Vocational Nurse with Atrium Medical Center at Corinth, Corinth, Texas, Respondent withdrew Demerol and Norco from the Medication Dispensing System (Med-Dispense) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications.

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
02/25/2009	100000238	02/15/2009 @ 1415 - Demerol 50mgIV 4-6 hrs PRN 02/15/2009 @ 1545 - Demerol 50mgIV 3-4 hrs PRN	Demerol 50 mg INJ @ 07:28:46	Demerol 50 mg Inj documented as given @ 07:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:57:37	Demerol 50 mg Inj documented as given @ 09:15	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:38:08	Demerol 50 mg Inj documented as given @ 12:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 09:42:41	Demerol 50 mg Inj documented as given @ 14:00	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:35:54	Demerol 50 mg Inj documented as given @ 16:50	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:02:00	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 12:11:21	No documentation	No documentation	None Noted
02/26/2009	"	"	Demerol 50 mg INJ @ 06:57:15	Demerol 50 mg Inj documented as given @ 0700	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 07:53:39	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:53:15	Demerol 50 mg Inj documented as given @ 1200	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:30:42	Demerol 50 mg Inj documented as given @ 1430	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 13:39:52	Demerol 50 mg Inj documented as given @ 1645	No documentation	None Noted

"	"	"	Demerol 50 mg INJ @ 15:04:09	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:09:33	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:33:56	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:29:29	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 17:30:27	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 18:44:02	No documentation	No documentation	None Noted
02/27/2009	"	"	Demerol 50 mg INJ @ 07:07:00	Demerol 50 mg Inj documented as given @ 0715	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 08:45:36	Demerol 50 mg Inj documented as given @ 0930	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 10:18:07	Demerol 50 mg Inj documented as given @ 1145	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 11:15:07	Demerol 50 mg Inj documented as given @ 1400	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:45:28	Demerol 50 mg Inj documented as given @ 1530	No documentation	None Noted
"	"	"	2-Demerol 25 mg INJ @ 14:58:58 System override - out of stock on 50mg INJ Witnessed.	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 15:05:13	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 14:42:08	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:35:16	No documentation	No documentation	None Noted
"	"	"	Demerol 50 mg INJ @ 16:36:52	No documentation	No documentation	None Noted
02/25/2009	100000248	Lortab 7.5-325 1 tab PO 4hrs PRN (2/19/09 @ 1415). Lortab 7.5 1or2 tab PO 4hrs PRN (2/19/09 @ 1805) and added Demerol 25mg IV on call (02/26/09 @0930)	2-Norco 7.5-325mg Tab @ 17:10:31	2 Tab Norco 7.5-325 documented as given @ 0915 and @ 1730	No documentation	None Noted
02/26/2009	"	"	Demerol 25mg Inj @ 14:20:02	No documentation	No documentation	None Noted

"	"	"	2-Norco 7.5-325mg Tab @ 16:15:00	No documentation	No documentation	None Noted

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).

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)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(C)&(4).

CHARGE IV.

On or about February 25, 2009 through February 27, 2009, while employed as a Licensed Vocational Nurse with Atrium Medical Center at Corinth, Corinth, Texas, Respondent misappropriated fourteen (14) dosage units/vials Demerol 50mg/ml from 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(A),(G),(8),(10)(B)&(C).

CHARGE V.

On or about April 20, 2009, while employed as a Licensed Vocational Nurse with Denton Rehabilitation & Nursing Center, Denton, Texas, Respondent was impaired and lacked fitness to practice nursing, in that she was found locked in the restroom and observed sliding down the wall, sweating, with slurred speech, and unable to stay awake. A needle cap was found on the floor with and empty syringe and needle packet in Respondent's pocket. Respondent was taken to the emergency room where she refused to submit to a blood test or UDS. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5)&(10)(A).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and for Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 26th day of October, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
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