



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.  
*Patricia P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §     AGREED  
License Number 601210                       §  
issued to AMY ANNETTE HUBBARD       §     ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 601201, issued to AMY ANNETTE HUBBARD, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from West Texas A&M University, Canyon, Texas on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on March 15, 1994.
5. Respondent's complete professional nursing employment history is unknown.
6. At the time of the incidents described in Findings of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas and had been in this position for approximately three (3) months.

7. On or about June 7, 2009 through June 9, 2009, while employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent administered narcotics to two (2) different patients but failed to verify the correct patient, dosage or document pain assessment. Respondent's conduct was likely to injure the patient in that the failure to verify the correct patient and dosage, and document pain assessment could result in the patient suffering from adverse reactions.

In response to Finding of Fact Number Seven (7), Respondent states she did document all in the computer and that her student nurse each time did not scan medications into the bedside computer. Respondent further states she was taken to employee health for a drug test and passed but was still fired because it was her responsibility to ensure all safety measures were taken and she did not follow protocol or ensure the students followed protocol since Respondent was in charge of them.

8. On or about June 15, 2009, while employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent obtained or attempted to obtain Xanax, Vicoprofen and Flexen from the Southpark Pharmacy, Amarillo, Texas, under her own name through the use of a fraudulent oral or telephonically-communicated prescription using the name and Drug Enforcement Agency (DEA) number assigned to Kashif R. Ali, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax, Vicoprofen and Flexen through use of a fraudulent prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

In response to Finding of Fact Number Eight (8), Respondent states there were no DEA#'s on either prescription and obviously did not see copy of original prescription.

9. On or about June 15, 2009, while employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent obtained or attempted to obtain Xanax, Vicoprofen, Meloxicam, Darvocet and Ambien from the Southpark Pharmacy, Amarillo, Texas, under the name of Thomas Hubbard, through the use of a fraudulent oral or telephonically-communicated prescription by using the name and Drug Enforcement Agency (DEA) number assigned to Amanda Griffin, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Xanax, Vicoprofen, Meloxicam, Darvocet and Ambien through use of a fraudulent prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

In response to Finding of Fact Number Nine (9), Respondent states she was found not guilty of Forgery of both prescriptions.

10. On or about June 22, 2009, while employed as a Registered Nurse with Baptist St. Anthony's Health System, Amarillo, Texas, Respondent was arrested by the Randall County Sheriff's Office, Canyon, Texas and charged with two counts of Prescription Fraud Schedule III/IV and Possession of a Controlled Substance (Third Degree Felony). On January 14, 2010,

Respondent pled Guilty to two counts of Fraud Possess CS/Prescription, a 3<sup>rd</sup> Degree Felony, in the 47<sup>th</sup> District Court, Amarillo, Texas, under Cause No. 020769A. Respondent was sentenced to two (2) years deferred adjudication with fine.

In response to Finding of Fact Number Ten (10), Respondent states she is already half way through with probation with no problems and never had a positive drug screen and is doing community service as instructed.

11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
12. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(3),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(8),(10)(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 601210, heretofore issued to AMY ANNETTE HUBBARD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 601210, heretofore issued to AMY ANNETTE HUBBARD, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

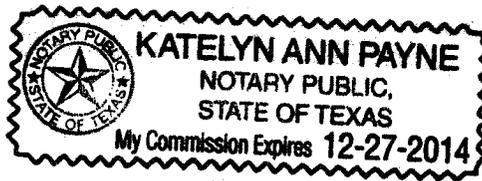
Signed this 11<sup>th</sup> day of February, 2011.

Amy Annette Hubbard  
AMY ANNETTE HUBBARD, Respondent

Sworn to and subscribed before me this 11<sup>th</sup> day of February, 2011.

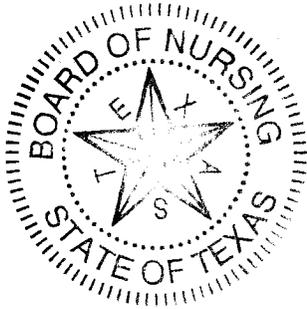
SEAL

Katelyn Ann Payne  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 601210, previously issued to AMY ANNETTE HUBBARD.

Effective this 31<sup>st</sup> day of March, 2011.



*Katherine A. Thomas*

Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board