IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 749168	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
VICKIE MURRELL ROGERS	§	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: Vickie Murrell Rogers
8521 Southwestern Blvd, #1145
Dallas, TX 75206

During open meeting held in Austin, Texas, on Tuesday, February 8, 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 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 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 749168, previously issued to VICKIE MURRELL ROGERS, to practice professional 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 professional nursing in the State of Texas.

Entered this 8th day of February, 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 January 3, 2011.

Re: Permanent Certificate Number 749168
Issued to VICKIE MURRELL ROGERS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 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):

Vickie Murrell Rogers
8521 Southwestern Blvd, #1145
Dallas, TX 75206

BY: Katherine A. Thomas

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

In the Matter of Permanent License Number 749168, Issued to VICKIE MURRELL ROGERS, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VICKIE MURRELL ROGERS, is a Registered Nurse holding license number 749168, 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 27, 2009, through September 27, 2009, while employed as a Registered Nurse with North Baylor University Medical Center, Dallas, Texas, Respondent obtained Cymbalta, Prevacid, Premarin, Metoprolol, Lorazepam, Toprol XL, Zolpidem Tartrate, and Temazepam from the CVS Pharmacy, Dallas, Texas, through the use of forged prescriptions bearing the name of Johannes Kuiper, M.D., and the Drug Enforcement Agency (DEA) number assigned to Dr. Kuiper, as follows:

Date Filled	Drug Prescription	Quantity	RX Number	Prescriber Name
2/27/09	Cymbalta 60mg Capsule Lil	30	251622	Kuiper, Johannes
02/27/09	Prevacid 30mg Capsule Dr Tap	30	251624	Kuiper, Johannes
02/27/09	Premarin 0.45mg Tablet Aye	30	251623	Kuiper, Johannes
02/27/09	Metoprolol Succ ER 50mg Tapark	30	251625	Kuiper, Johannes
03/05/09	Lorazepam 2mg Tablet Ran	60	252199	Kuiper, Johannes
03/25/09	Premarin 0.45mg Tablet Aye	30	251623	Kuiper, Johannes
03/25/09	Prevacid 30mg Capsule Dr Tak	30	251624	Kuiper, Johannes
03/25/09	Toprol XL 50mg Tablet Ast	30	251625	Kuiper, Johannes
04/17/09	Zolpidem Tartrate 5mg Tabltev	30	256183	Kuiper, Johannes

04/18/09	Premarin 0.45mg Tablet Aye	30	251623	Kuiper, Johannes
04/18/09	Prevacid 30mg Capsule Dr Tak	30	251624	Kuiper, Johannes
04/19/09	Toprol XL 50mg Tablet Ast	30	251625	Kuiper, Johannes
05/12/09	Zolpidem Tartrate 5mg Tabltev	30	256183	Kuiper, Johannes
06/05/09	Zolpidem Tartrate 10mg Tabtor	30	260672	Kuiper, Johannes
06/11/09	Lorazepam 2mg Tablet Ran	60	252199	Kuiper, Johannes
06/16/09	Zolpidem Tartrate 5mg Tabltev	30	256183	Kuiper, Johannes
06/26/09	Prevacid 30mg Capsule Dr Tak	30	251624	Kuiper, Johannes
07/01/09	Zolpidem Tartrate 10mg Tabtor	30	260672	Kuiper, Johannes
07/09/09	Zolpidem Tartrate 5mg Tabltev	30	256183	Kuiper, Johannes
07/14/09	Temazepam 30mg Capsule Myl	30	264007	Kuiper, Johannes
07/14/09	Lorazepam 2mg Tablet Ran	60	252199	Kuiper, Johannes
08/07/09	Temazepam 30mg Capsule Myl	30	264007	Kuiper, Johannes
08/23/09	Lorazepam 2mg Tablet Ran	60	252199	Kuiper, Johannes
08/31/09	Temazepam 30mg Capsule Myl	30	264007	Kuiper, Johannes
09/27/09	Temazepam 30mg Capsule Myl	30	264007	Kuiper, Johannes

Respondent's conduct was likely to deceive the pharmacy and possession of Cymbalta, Prevacid, Premarin, Metoprolol, Lorazepam, Toprol XL, Zolpidem Tartrate, and Temazepam through use of a forged prescription is prohibited by Chapters 481 & 483 of the Texas Health and Safety Code (Controlled Substances Act & Dangerous Drugs Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(A)&(H),(10)(B)&(E)&(11)(B).

CHARGE II.

On or about November 15, 2010, Respondent entered a plea of Guilty to OBTAIN CONTROLLED SUBSTANCE BY FRAUD: 3/4 TEMAZEPAM (a 3rd Degree Felony offense committed on October 1, 2009), filed in the Criminal District Court #2 of Dallas County, Dallas, Texas, under Cause No. F-0972768I. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of four (4) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(E)&(13).

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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 ($1,200.00).

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 Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft & Deception, and for Sexual Misconduct, 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 3rd day of January, 2011.

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
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

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