BEFORE THE TEXAS BOARD OF NURSING

****

TEXAS 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

In the Matter of Vocational Nurse	§
License Number 98573	§
issued to VICTORIA D. HOGUE	§
	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 98573, issued to VICTORIA D. HOGUE, 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 conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is in current status.

2. Respondent waived representation by counsel, informal conference, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Cisco, Texas, on August 13, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982.

4. Respondent's vocational nursing employment history includes:

12/1982 - 08/2006	Unknown	
09/2006 - 01/2007	LVN	Normandy Terrace San Antonio, Texas

Respondent's vocational nursing employment history continued:

01/2007 - 06/2007	LVN	Regent Care San Antonio, Texas
06/2007 - 05/2008	LVN	Heartland Health Care Austin, Texas
06/2008 - 07/2008	LVN	Anson Healthcare Center Anson, Texas
07/208 - 11/08	LVN	Mesa Springs Retirement Village Abilene, Texas
11/08 - Unknown	LVN	Abilene Nursing & Rehabilitation Center Abilene, Texas

5. On April 23, 2009, Respondent's license to practice vocational nursing was issued the sanction of Warning with Stipulations by the Texas Board of Nursing. A copy of the April 23, 2009, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On or about April 24, 2010, Respondent failed to comply with the Agreed Order issued to her on April 13, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

> (2) Respondent shall within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

7. On or about April 24, 2009, Respondent failed to comply with the Agreed Order issued to her on April 23, 2009, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

> (3) Respondent shall within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

8. On December 27, 2010, Respondent submitted a letter to the Board expressing her desire to voluntarily surrender the right to practice vocational nursing in the State of Texas due to personal problems. A copy of the December 27, 2010, affidavit is attached and incorporated, by reference, as part of this Order.

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 a violation of Section 301.452(b)(1) (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (11)(B).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 98573, heretofore issued to VICTORIA D. HOGUE, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

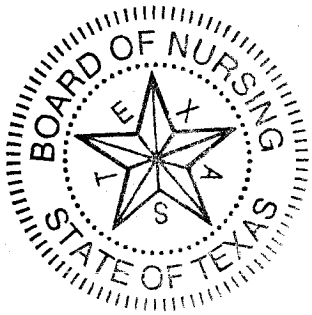
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is in surrendered status.

2. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure and shall not petition for reinstatement until at least one (1) year has elapsed since the effective 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 multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

Effective this 1st day of February, 2011.



TEXAS BOARD OF NURSING

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 98573	§	
issued to VICTORIA D. HOGUE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VICTORIA D. HOGUE, Vocational Nurse License Number 98573, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2), (10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 7, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Cisco, Texas on August 13, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982.

5. Respondent's vocational nursing employment history includes:

12/1982 - 08/2006	Unknown

Respondent's vocational nursing employment history continued:

09/2006 - 01/2007	LVN	Normandy Terrace San Antonio, Texas
01/2007 - 06/2007	LVN	Regent Care San Antonio, Texas
06/2007 - 05/2008	LVN	Heartland Health Care Austin, Texas
06/2008 - 07/2008	LVN	Anson Healthcare Center Anson, Texas
07/2008 - 11/08	LVN	Mesa Springs Retirement Village Abilene, Texas
11/08 - Present	LVN	Abilene Convalescent Center Abilene, Texas

6. On or about July 23, 2007, Respondent submitted an online renewal application to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

On or about May 9, 2007, Respondent was arrested for the offense of "Driving While Intoxicated," by the Abilene Police Department, Abilene, Texas.

7. On or about September 27, 2007, Respondent was convicted of "Driving While Intoxicated," a Class B Misdemeanor (committed on May 9, 2007), in the Taylor County Court at Law, Abilene, Texas, under Cause Number 1-119421. Respondent was sentenced to confinement for a period of one hundred eighty (180) days. The imposition of the confinement was

suspended, and Respondent was placed on community supervision for a period of twelve (12) months and ordered to pay a fine and court costs. On September 2, 2008, a request was granted to extend Respondent's period of community supervision for a period of six (6) months.

8. On or about June 18, 2008, to July 1, 2008, while employed at Anson Healthcare Center, Anson, TX, Respondent removed Propoxyphene and Hydrocodone from the facility Medication Dispensing System for patients but failed to accurately document the administration of the Propoxyphene and Hydrocodone in the patients' Medication Administration Records (MARs) as follows.

Controlled Drug Record Date/Time	Medical Record #	Medication Pulled & Qty.	Physician's Order	MAR	Wastage
06/18/08 0800	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/20/08 0800	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/20/08 1600	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/21/08 0800	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/21/08 1300	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/21/08 1730	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/22/08 0800	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/22/08 1300	2706	Hydrocodone-APAP 7.5-500 Tab (1)	Hydrocodone 7.5mg (1) Tab QID PRN	No documentation	None
06/22/08 1500	3071	Propoxyphene-APAP 100-650 MG Tab (2)	Darvocet 2 PO Q4H PRN	No documentation	None
06/25/08 1130	3071	Propoxyphene-APAP 100-650 MG Tab (2)	Darvocet 2 PO Q4H PRN	No documentation	None

07/01/08 time illegible	3071	Propoxyphene-APAP 100-650 MG Tab (2)	Darvocet 2 PO Q4H PRN	No documentation	None

Respondent's conduct 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.

9. On or about June 18, 2008, to July 1, 2008, while employed at Anson Healthcare Center, Anson, TX, Respondent removed Propoxyphene and Hydrocodone from the facility's Medication Dispensing System for patients but failed to follow facility policy and procedure in place for the wastage of the unused portions of the Propoxyphene and Hydrocodone. 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).

10. On or about June 18, 2008, to July 1, 2008, while employed at Anson Healthcare Center, Anson, TX, Respondent misappropriated Propoxyphene and Hydrocodone 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.

11. Regarding the conduct outlined in Findings of Fact Numbers Eight (8), Nine (9) and Ten (10), Respondent states that while she might have inadvertently omitted or forgot to document PRN medications on occasion, for her that is not a general rule as she believes she is pretty consistent about charting PRN medications she gives on any job. She states that the medications were given and not wasted. Respondent denies misappropriating medications nor did she seek to steal, lie, defraud or deceive anybody or any institution.

12. Formal Charges were filed on January 13, 2009.

13. Formal Charges were mailed to Respondent on January 21, 2009.

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)(2), (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (6)(G)(I), (10)(B)(C), (11)(B) & (13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 98573, heretofore issued to VICTORIA D. HOGUE, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to VICTORIA D. HOGUE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved

provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty ($250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge,

if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse

who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of March, 2009.

VICTORIA D. HOGUE, Respondent

Sworn to and subscribed before me this 26th day of March, 2009.

SEAL

Notary Public in and for the State of Tx

RITA RAYMOND
Notary Public, State of Texas
My Commission Exp 04-09-12

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of March, 2009, by VICTORIA D. HOGUE, Vocational Nurse License Number 98573, and said Order is final.

Effective this 23rd day of April, 2009.

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

11/25/10

Dear Ms. Hudson,

I would like to voluntarily surrender my CNA license at this time due to personal problems and to take the classes required of me

Thank you,

Victoria Hogue