

Respondent's professional nursing employment history continued:

1986	RN	Amarillo College Amarillo, Texas
1995 - 02/2002	RN	Plains Memorial Hospital Home Health Dimmitt, Texas
02/1999 - 02/2002	RN	Castro County Hospital District Dimmitt, Texas
02/2002 - 10/2005	RN	Dimmitt independent School District Dimmitt, Texas
10/2005 - 08/2006		Employment history unknown.
08/2006 - 11/2009	RN	The Medical Center of Dimmitt (CCHD) Dimmitt, Texas
11/2009 - Present		Employment history unknown.

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with The Medical Center of Dimmitt (Castro County Health District), Dimmitt, Texas, and had been in this position for three (3) years.
7. On or about August 19, 2009, while employed as a Registered Nurse with Castro County Community Health, Dimmitt, Texas, Respondent submitted a fraudulent, telephonically communicated prescription for Hydrocodone, Flexeril and Meloxicam to Walmart Pharmacy, Lubbock, Texas, using the name of Patient T.M. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone, Flexeril and Meloxicam through use of an unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).
8. In response to Finding of Fact Number Seven (7), Respondent states: "I deny that I fraudulently submitted any prescriptions for refill, or that I ever had any intent to break the law or any Board Rule. I do admit that I did not follow the clinic's policy regarding refills for this patient. Dimmitt is a very small town. Because I have lived and worked there for over thirty years, I am well known as one of the "Town Nurses". Patient T.M. was my nieces' fiancé. He called me and told me that he was having bad back spasms and could not get out of bed. He needed a refill of his prescriptions. Specifically, he told me that the three prescriptions, Hydrocodone, Flexeril, and Meloxicam had been previously filled at the Wal-Mart Pharmacy in Lubbock, and asked me to phone the refill authorization to the same pharmacy. A huge part of the job was calling in prescriptions and refills to various

pharmacies for patients of the clinic. I worked very closely with Dr. Griffis and was used to checking with him prior to calling in any medication refills. It was a very busy day, and without thinking about it, and without checking with Dr. Griffis, I called Wal-Mart Pharmacy and requested refills for T.M. On the message, I left my name, where I worked, and how I could be contacted. Apparently, the pharmacist called later that day to ask me a question about the Hydrocodone prescription, but I was out of the office and another nurse took the call. I agree that I should have spoken to one of the doctors before I called in any refills. When I returned to work, Dr. Griffis asked me about the call from the pharmacy, concerning a refill for Hydrocodone. At that point, I did not know that the prescription had originally been filled at Walgreens.”

9. On or about October 20, 2009, while employed as a Registered Nurse with Castro County Community Health, Dimmitt, Texas, Respondent submitted an unauthorized telephonically communicated prescription for Zithromax to Dimmitt Pharmacy, Dimmitt, Texas, using the name of Patient B.B. Respondent’s conduct was likely to deceive the pharmacy and possession of Zithromax through use of an unauthorized telephonically communicated prescription is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).

10. In Response to Finding of Fact Number Ten (10), Respondent states: “The patient in this matter is my sister-in-law. On the morning of October 20, 2009, B.B. called the clinic and asked me to check with Dr. Griffis to see about calling in a Z-Pak for her. B.B. believed that she had a sinus infection, and had taken a Z-Pak with good results. B.B. told me that she was leaving later that day to go to Lubbock to care for her daughter and her premature grandchild. She was concerned about exposing her daughter and the baby to the infection. I told B.B. that Dr. Griffis was covering the Emergency Department, and would be out all day, but that I would check with him about it. Dr. Griffis was busy all day in the Emergency Department and I did not see him at all. I consulted with Jill McLean, FNP-C, one of the family practitioners in the Clinic. I described B.B.’s condition, Ms. McLean’s response was to call B.B., and that she needed to be screened for the flu. I called B.B. and informed her that she needed to come in to be seen. At that time, B.B. told me that she had already tried to get an appointment but that the clinic was full. I suggested that she purchase some over-the-counter Sudafed and Benadryl, and I would try speaking with Dr. Griffis when I saw him. When I got back from lunch, I had a message from Dimmitt pharmacy that B.B. had been in to check and see if she had a Z-pak waiting for her. I called to the pharmacy and spoke to J. E.. She told me that they did not have a prescription for a Z-Pak. I said that B.B. could probably have a Z-Pak, but I needed to confirm it. Later, Dr. Griffis stated that Dimmitt Pharmacy said I called in a Z-Pak for B.B. I told Dr. Griffis everything that had happened with B.B. and Jill McLean that afternoon. I explained that I said B.B. could probably have Z-Pac, but I had not had a chance to speak with Dr. Griffis yet. They discussed that B.B. would be back into the pharmacy later to check for medicines. When I spoke to Ms. McLean later in the afternoon, and Ms. McLean got B.B.’s telephone number to discuss if she could call in some medicine, I assumed that Ms. McLean had spoken to B.B. and called in the prescription for her.”

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(6)(H),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 237042, heretofore issued to VICKILYNN BUCKLEY, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. Section 3041.463(d) of the Act provides that this Agreed Order is a Settlement agreement under Rule 408 of the "Texas Rules of Evidence for purposed of civil or criminal litigation."

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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 nurse licensure compact 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 VICKI LYNN BUCKLEY, 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 not 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) 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 the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program

provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding*

this workshop may be found at the following web address:

<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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 REGISTERED NURSE (RN) 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) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered 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 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7th day of June, 2010.

Vicki Lynn Buckley
VICKI LYNN BUCKLEY, Respondent

Sworn to and subscribed before me this 7 day of June, 2010.

SEAL

Margie Sandoval

Notary Public in and for the State of Texas.



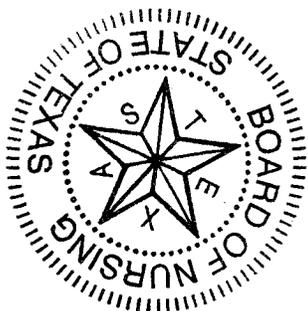
Approved as to form and substance.

Kenda B. Dalrymple
Kenda B. Dalrymple, Attorney for Respondent

Signed this 18th day of October, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of June, 2010, by VICKI LYNN BUCKLEY, Registered Nurse License Number 237042, and said Order is final.

Effective this 9th day of November, 2010.



A handwritten signature in cursive script, reading "Katherine A. Thomas".

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