BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 177703	§	
issued to CAREY ANNE WILKINS	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Boa accepted the voluntary surrender of Vocational Nurse License Number 177703, issued to CAREY ANNE WILKINS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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 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 McClennan Community College, Waco, Texas, on August 16, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on October 3, 2000.

5. Respondent's employment history includes:

10/2000 - 08/2004	Staff Nurse	Hillcrest Baptist Medical Center Waco, Texas

Respondent's nursing employment history continued:

09/2004 - 04/2006	Agency Nurse	Credentia Temple, Texas
05/2006 - 08/2006	Staff Nurse	Royal Manor Waco, Texas
09/2006 - 10/2006	Staff Nurse	Weston Inn Health Center Temple, Texas
11/2006 - 03/2008	Unknown	
04/2008 - 08/2008	Home Health Nurse	Medical Staffing Network, Homecare Temple, Texas
09/2008 - 12/2008	Unknown	
01/2009 - 03/2009	Home Health Nurse	San Martin Home Health, Inc. Brownsville, Texas
04/2009 - 12/2009	Unknown	
01/2010 - 06/2010	Home Health Nurse	National Nursing and Rehabilitation Harlingen, Texas
07/2010 - Present	Unknown	

6. On or about March 29, 2005, through March 24, 2010, Respondent was in Default status on her Texas Guaranteed Student Loans, as provided in Section 57.491 of the Texas Education Code. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.

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7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse with Royal Manor, Waco, Texas, and had been in this position for two (2) months.

8. On or about July 28, 2006, through July 31, 2006, while employed with Royal Manor, Waco, Texas, Respondent obtained controlled substances, but failed to administer or failed to document administration of controlled substances to Residents Medical Record Numbers 36 and 1641, as follows:

Date/Time On Drug Control Record	Resident	Medication	Physician's Order	Documented on Medication Administration Record	Nurses' Notes	Wastage	Clock-In Time
7/28/06 2100	36	Lorazapam 1mg	1 Q 8 hrs	Yes - Documented in the 2300 slot - Scheduled for 0700/1500&2300	No	No	2147
7/28/06 0000	1641	Hydrocodone/ APAP	1 Q 3 hr PRN pain	No	N/A	No	Was not there
7/29/06 1400	36	Endocet 5/325mg	1 Q 4 PRN pain	No	No	No	Was not there
7/30/06 2000	36	Lorazapam 1mg	1 Q 8 hrs	No	No	No	2116
7/31/06 2000	36	Endocet 5/325mg	1-2 tabs Q 4 PRN pain - Can not give within 4 hrs of Vicodin	No	No	No	2116
7/31/06 0000	36	Endocet 5/325mg	1-2 tabs Q 4 PRN pain - Can not give within 4 hrs of Vicodin	No	No	No	N/A
7/31/06 0000	36	Vicodin Hydrocodone / APAP 10/500mg	1 Q 4 PRN pain	No	No	No	N/A

Respondent's conduct was likely to injure patients in that subsequent care givers would rely on Respondent's documentation to further medicate the patient, which could have resulted in over-medication, and placed the facility in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about July 31, 2006, while employed with Royal Manor Health Center, Waco, Texas, Respondent administered Xanax to Resident Number 1671 without a physician's order, as required. Respondent's conduct violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure the resident in that the administration of Xanax without a physician's order could have resulted in the patient suffering from adverse reactions.

10. On or about August 4, 2008, while employed with Medical Staffing Network, Temple, Texas, Respondent obtained 120 tablets of Norco, a controlled substance, which had been dispensed by Walgreens Pharmacy, Beverly Hills, Texas, for Patient RP through the use of an unauthorized prescription from Scott Crockett, MD, which had been called to the pharmacy by "Penny." Respondent's conduct deceived the pharmacy and additionally, possession of Hydrocodone through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about August 11, 2008, while employed with Medical Staffing Network, Temple, Texas, Respondent attempted to obtain Norco, a controlled substance, by telephonically communicating an unauthorized prescription for Patient RP from Scott Crockett, MD, using the name "Penny" to Recept Pharmacy, Waco, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

12. On or about August 13, 2008, Respondent was arrested at Walgreen's Pharmacy, Beverly Hills, Texas, by the Beverly Hills Police, Beverly Hills, Texas, and charged with "Fraudulent Possession of Controlled Substance/Prescription, Schedule III/IV" and "Fraudulent Use/Possession of Identifying Information," both State Jail Felony offenses, after she attempted to obtain a prescription from the pharmacy and was found in possession of the driver's license of Patient RP. Items seized by police from Respondent included:
    - One (1) bag with receipt and instructions stapled together with a prescription obtained on August 4, 2008, for the Patient RP for Hydrocodone/APAP10mg/325mg, 120 tablets, obtained from Walgreen's Pharmacy, Beverly Hills, Texas;
    - One (1) bag with receipt and instructions stapled together with a prescription obtained on August 6, 2008, for Respondent for Hydrocodone-Ibuprof 7.5mg/200mg, 100 tablets, obtained from Walgreen's Pharmacy, Waco, Texas; and
    - One (1) bag with receipt and instructions stapled together with a prescription obtained on December 3, 2007, for Respondent for Hydrocodone/Ibu 7.5mg/200mg, 100 tablets, obtained from Walgreen's Pharmacy, Waco, Texas.

    Respondent admitted to the arresting officer, both verbally and in her written statement, that she used the information for Patient RP and her position as a nurse to obtain the medication, and that she is addicted to the drug. Possession of Hydrocodone without a valid prescription or obtained through use of a fraud is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

13. On or about July 1, 2009, through July 22, 2010, while employed with National Nursing and Rehabilitation, Harlingen, Texas, Respondent failed to renew her license and continued to practice as a Licensed Vocational Nurse while her nursing license was in "delinquent" status. Respondent's conduct deceived patients, the public and the facility into believing that she met all licensure requirements for practicing as a Licensed Vocational Nurse.

14. On or about October 5, 2009, Respondent plead "Guilty" to "Prescription Fraud" (a 3rd Degree Felony offense committed on August 13, 2008) in the 19th District Court of McLennan County, Waco, Texas, Cause Number 2009807C1. Respondent's adjudication of guilt was deferred and she was placed on Community Supervision for five (5) years and ordered to pay a fine. Respondent's conduct was likely to injure the public.

15. Charges were filed on February 23, 2009.

16. Charges were mailed to Respondent on February 24, 2009.

17. First Amended Formal Charges were filed on November 23, 2009

18. First Amended Formal Charges were mailed to Respondent on November 25, 2009.

19. Second Amended Formal Charges were filed on August 19, 2010.

20. Second Amended Formal Charges were mailed to Respondent on August 19, 2010.

21. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license(s) to practice nursing in the State of Texas.

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)&(13) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(H),(8),(10)(B),(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 Vocational Nurse License Number 177703, heretofore issued to CAREY ANNE WILKINS, 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 Vocational License Number 177703, heretofore issued to CAREY ANNE WILKINS, 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 vocational nursing, use the title 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 surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

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 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 30th day of September, 20 10.

Carey Anne Wilkins

CAREY ANNE WILKINS, Respondent

Sworn to and subscribed before me this 30th day of September, 20 10.

SEAL

MARILYN MEDINA
My Commission Expires
September 24, 2013

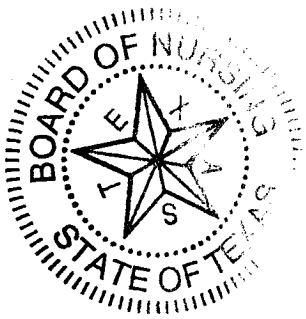
Notary Public in and for the State of Texas

Approved as to form and substance.

Dan Lype, Attorney for Respondent

Signed this 30 day of September, 2010.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 177703, previously issued to CAREY ANNE WILKINS.



Effective this 30th day of September, 2010.

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