

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 144911
ISSUED TO
TAMMY LANETTE BUSH

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Tammy Lanette Bush
4506 Ellen Trout #503
Lufkin, Texas 75904

During open meeting held in Austin, Texas, on Tuesday, May 11, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 vocational 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 § 213.2(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 144911, previously issued to TAMMY LANETTE BUSH, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 144911, previously issued to TAMMY LANETTE BUSH, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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



Entered this 11th day of May, 2010.

TEXAS BOARD OF NURSING

BY:

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

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2010, 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):

Tammy Lanette Bush
4506 Ellen Trout #503
Lufkin, Texas 75904

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 144911, Issued to §
TAMMY LANETTE BUSH, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TAMMY LANETTE BUSH, is a Vocational Nurse holding license number 144911, 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 April 12, 2007, Respondent entered a plea of "Guilty" to THEFT PROP >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on November 28, 2006) in the County Court at Law, Gregg County, Texas, under Cause No. 20051811. As a result of the plea, the proceedings against her were deferred and Respondent was placed on Court Probation for a period of two (2) years. Additionally, Respondent was ordered to pay court costs and restitution. However, on or about January 23, 2008, Respondent was convicted of THEFT PROP >=\$20<\$500 BY CHECK, and ordered to serve a hundred and twenty (120) days in confinement and to pay 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 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II.

On or about August 12, 2008, Respondent submitted a Texas Board of Nursing-Online Renewal Document-Licensed Vocational Nurse- Late Renewal in which she provided false, deceptive, and/or misleading information, in that she answered "no" to question number two (2) that states the following, in pertinent part:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? Court-ordered confinement?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?"

On or about April 12, 2007, Respondent entered a plea of "Guilty" to THEFT PROP

>=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on November 28, 2006) in the County Court at Law, Gregg County, Texas, under Cause No. 20051811. As a result of the plea, the proceedings against her were deferred and Respondent was placed on Court Probation for a period of two (2) years. Additionally, Respondent was ordered to pay court costs and restitution. However, on or about January 23, 2008, Respondent was convicted of THEFT PROP >=\$20<\$500 BY CHECK, and ordered to serve a hundred and twenty (120) days in confinement and to pay court costs.

Respondent's conduct was deceiving and may have affected the Board's decision to license her.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).

CHARGE III.

On or about November 19, 2009, Respondent entered a plea of "Guilty" to FORGERY (a State Jail Felony offense committed on October 18, 2007) in the 188th District Court, Gregg County, Texas, under Case No. 37914-A. As a result of the plea, the proceedings against Respondent were deferred and she was placed on Community Supervision for a period of five (5) years. Additionally, Respondent was ordered to pay a fine, court costs and restitution.

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

CHARGE IV.

On or about September 18, 2009, while employed as a Licensed Vocational Nurse, with Whispering Pines Lodge, Longview, Texas, Respondent withdrew Hydrocodone/APAP and Vicodin from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>Physician's Order</u>	<u>Time on MAR</u>	<u>Nurse's Notes</u>	<u>Waste</u>
DW	09/18/09	2P	Hydrocodone/ APAP 10/325mg (2)	Norco 10/325mg tablet i P/T Q 6 hrs PRN mod-severe pain "not to exceed 4 grams apap/24hrs"	Not Documented	Not Documented	None
BT	09/18/09	2P	Hydrocodone/ APAP 10/325mg (1)	Norco tablet 10/325mg i po Q 4 hrs PRN mod-severe pain "not to exceed 4 gms apap/24hrs"	Not Documented	Not Documented	None
FR	09/18/09	215P	Hydrocodone W/APAP 5/500mg (1)	Vicodin tablet 5/500mg i po Q 4hrs PRN mild-mod pain	Not Documented	Not Documented	None
VS	09/18/09	230P	Hydrocodone/ APAP 7.5/325mg (1)	Norco 7.5/325 po q 6hrs prn pain	Not Documented	Not Documented	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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(C)&(4).

CHARGE V.

On or about September 18, 2009, while employed as a Licensed Vocational Nurse, with Whispering Pines Lodge, Longview, Texas, Respondent withdrew Hydrocodone/APAP and Vicodin from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>Physician's Order</u>	<u>Time on MAR</u>	<u>Nurse's Notes</u>	<u>Waste</u>
DW	09/18/09	2P	Hydrocodone/ APAP 10/325mg (2)	Norco 10/325mg tablet i P/T Q 6 hrs PRN mod-severe pain "not to exceed 4 grams apap/24hrs"	Not Documented	Not Documented	None
BT	09/18/09	2P	Hydrocodone/ APAP 10/325mg (1)	Norco tablet 10/325mg i po Q 4 hrs PRN mod-severe pain "not to exceed 4 gms apap/24hrs"	Not Documented	Not Documented	None
FR	09/18/09	215P	Hydrocodone W/APAP 5/500mg (1)	Vicodin tablet 5/500mg i po Q 4hrs PRN mild-mod pain	Not Documented	Not Documented	None
VS	09/18/09	230P	Hydrocodone/ APAP 7.5/325mg (1)	Norco 7.5/325 po q 6hrs prn pain	Not Documented	Not Documented	None

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).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(B), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(10)(C)&(11)(B).

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CHARGE VI.

On or about September 18, 2009, while employed as a Licensed Vocational Nurse, with Whispering Pines Lodge, Longview, Texas, Respondent misappropriated Hydrocodone/APAP and Vicodin from the facility or patients thereof, or failed to take precautions to prevent such misappropriation as follows:

<u>Patient</u>	<u>Date</u>	<u>Time Pulled</u>	<u>Medication</u>	<u>Physician's Order</u>	<u>Time on MAR</u>	<u>Nurse's Notes</u>	<u>Waste</u>
DW	09/18/09	2P	Hydrocodone/ APAP 10/325mg (2)	Norco 10/325mg tablet i P/T Q 6 hrs PRN mod-severe pain "not to exceed 4 grams apap/24hrs"	Not Documented	Not Documented	None
BT	09/18/09	2P	Hydrocodone/ APAP 10/325mg (1)	Norco tablet 10/325mg i po Q 4 hrs PRN mod-severe pain "not to exceed 4 gms apap/24hrs"	Not Documented	Not Documented	None
FR	09/18/09	215P	Hydrocodone W/APAP 5/500mg (1)	Vicodin tablet 5/500mg i po Q 4hrs PRN mild-mod pain	Not Documented	Not Documented	None
VS	09/18/09	230P	Hydrocodone/ APAP 7.5/325mg (1)	Norco 7.5/325 po q 6hrs prn pain	Not Documented	Not Documented	None

Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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(1)(A)&(B),(6)(G)&(8).

CHARGE VII.

On or about September 18, 2009, while employed as a Licensed Vocational Nurse, with Whispering Pines Lodge, Longview, Texas, Respondent left the facility with the narcotic keys to the medication cart in her possession. Respondent's conduct deprived staff members of access of medications to administer to residents, and failed to take precautions to prevent the security and loss of narcotics in the medication cart.

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(1)(A)&(B),(4)&(6)(G).

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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 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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 (\$1200.00).

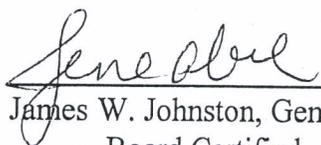
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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, 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 12th day of February, 2010.

TEXAS BOARD OF NURSING



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