

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 510439  
issued to GRACE E. BARBER

§ AGREED  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo  
considered the matter of GRACE E. BARBER, Registered Nurse License Number 5104  
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have  
violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by  
counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on  
September 8, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

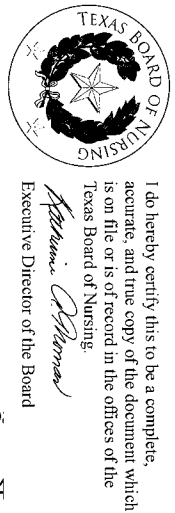
FINDINGS OF FACT

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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Christian-Harris College, Fort Worth, Texas, on May 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.
5. Respondent's professional nursing employment history includes:

08/83 - 12/94

Staff Nurse, RN

Cook Childrens Hospital  
Fort Worth, Texas



Respondent's professional nursing employment history continued:

10/85 - 07/86	Staff Nurse, RN	Southwestern Medical Center Oklahoma City, Oklahoma
07/87 - 07/89	Parent Partner Coordinator	Youth Services of Grady County Chickasha, Oklahoma
07/89 - 01/90	Nursing & Clinical Services Supervisor	Curaflex Home Health Services Oklahoma City, Oklahoma
01/90 - 08/91	Childrens Unit Coordinator	CPC Southwind Hospital Oklahoma City, Oklahoma
09/91 - 02/98	Unknown	
02/98 - 08/99	Staff Nurse	Willowview/Integris Mental Health Oklahoma City, Oklahoma
08/99 - Present	Director of Health Services	Happy Hill Farm Academy/Home Granbury, Texas

6. At the time of the initial incident, Respondent was employed as Director of Health Services with Happy Hill Farm Academy/Home, and had been in this position for eight (8) years.
7. On or about February 7, 2008 through April 1, 2008, while employed as a Registered Nurse with Happy Hill Farm Academy/Home, Granbury, Texas, Respondent prescribed and wrote prescriptions for Concerta, a Schedule II Controlled Substance, for Patient MR, on official prescription pads that were pre-signed by Joe Michael White, MD for Patient MR. Furthermore, Respondent provided a prescription for Concerta to Patient MR, even though the patient had not been seen by, Joe Michael, White, MD. The prescription provided to Patient M.R. was a continuation of an identical to the prescription he was on from his treating physician. Patient M.R. subsequently was seen by Joe Michael White, M.D. who confirmed and continued the prescription given. There is no reason to believe M.R. was injured or adversely affected by the prescription provided by Respondent.

8. In response to Finding of Fact Number (7), Respondent stated these prescriptions were used between Dr. White's visits and only to refill a prescription. Respondent states that Patient MR's family had requested Dr. White to be the Patient MR's physician. The facility's normal practice was to fax the new patient information and a verbal order form. Respondent states that she must have forgotten to fax the information to Dr. White's office. Respondent was unaware that she should not have used the pre-signed prescription pads until she was notified on April 25, 2008, by the Texas Department of Public Safety, during an investigation into the matter. Respondent turned in the remaining prescription pads to the Texas Department of Public Safety.
9. On May 11, 2008, Respondent underwent a polygraph test, which was administered by Doug Sutton, Lubbock, Texas, and completed on May 11, 2008. According to Mr. Sutton there was "No Deception Indicated" regarding diversion of controlled substances. Respondent takes full responsibility for her actions and since this incident a new system for prescriptions has been implemented.
10. Respondent has completed the Ethics and Jurisprudence workshop, presented by the Texas Board of Nursing on June 20, 2008, which would have been a requirement 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 violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A) & (S) 22 TEX. ADMIN. CODE §217.12(1)(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 510439, heretofore issued to GRACE E. BARBER, including revocation of Respondent's license to practice professional nursing in the State of Texas.

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## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, 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 professional 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 multistate licensure privilege without the written permission of the State of Texas 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 GRACE E. BARBER to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty (\$250). 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, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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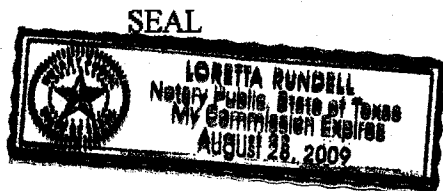
RESPONDENT'S CERTIFICATION

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 violation 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 when this Order becomes final and the terms of this Order become effective, 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 27 day of October, 2008.

Grace Barber  
GRACE E. BARBER, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of October, 2008.



Loretta Rundell  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 27 day of October, 2008, by GRACE E. BARBER, Registered Nurse License Number 510439, and said Order is final.



Effective this 2nd day of November, 2008.

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