

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 666773
ISSUED TO
PAMELA KAY LANKFORD

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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.
Pamela R. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Pamela Kay Lankford
10841 Hearthwood Drive
Bethany, LA 71007

During open meeting held in Austin, Texas, on Tuesday, August 18, 2009, 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 professional 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 666773, previously issued to PAMELA KAY LANKFORD, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 666773, previously issued to PAMELA KAY LANKFORD, 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 multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 18th day of August, 2009.

TEXAS BOARD OF NURSING




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

Re: Permanent Certificate Number 666773
Issued to Pamela Kay Lankford
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of August, 2009, 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):

Pamela Kay Lankford
10841 Hearthwood Drive
Bethany, LA 71007

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 666773, Issued to §
PAMELA KAY LANKFORD, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PAMELA KAY LANKFORD, is a Registered Nurse holding license number 666773, which is in delinquent 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 27, 2009, Respondent's license to practice professional nursing in the State of California was Revoked by Default by the Board of Registered Nursing, Department of Consumer Affairs, State of California, Sacramento, California. A copy of the Default Decision and Order dated April 27, 2009, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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. 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.

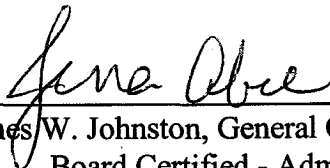
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CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Default Decision and Order dated April 27, 2009.

Filed this 27 day of July, 2009.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Default Decision and Order dated April 27, 2009, issued by the State of California, Board of Registered Nursing.

0999/D

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ERIN M. SUNSERI, State Bar No. 207031
Deputy Attorney General
4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2071
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 PAMELA KAY LANKFORD, RN
7405 Charmont Drive, Apt. 2105
14 San Diego, CA 92122
Registered Nurse License No. 642815
15 Respondent.
16

Case No. 2009-124

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about November 26, 2008, Complainant Ruth Ann Terry, M.P.H., R.N., in
19 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2009-124 against Pamela Kay Lankford, RN
21 (Respondent) before the Board of Registered Nursing.

22 2. On or about August 12, 2004, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 642815 to Respondent. The Registered Nurse License expired on
24 August 31, 2006, and has not been renewed.

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1 3. On or about December 5, 2008, Rosita Donovan, an employee of the Department
2 of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2009-124,
3 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
4 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
5 was and is: 7405 Charmont Drive, Apt. 2105, San Diego, CA 92122. A copy of the Accusation
6 is attached as exhibit A, and is incorporated herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

9 5. On or about December 15, 2008, the aforementioned documents were returned by
10 the U.S. Postal Service marked "Undeliverable as addressed."

11 6. Business and Professions Code section 118 states, in pertinent part:

12
13 (b) The suspension, expiration, or forfeiture by operation of law of a
14 license issued by a board in the department, or its suspension, forfeiture, or
15 cancellation by order of the board or by order of a court of law, or its surrender
16 without the written consent of the board, shall not, during any period in which it
17 may be renewed, restored, reissued, or reinstated, deprive the board of its
18 authority to institute or continue a disciplinary proceeding against the licensee
19 upon any ground provided by law or to enter an order suspending or revoking the
20 license or otherwise taking disciplinary action against the license on any such
21 ground.

22 7. Government Code section 11506 states, in pertinent part:

23 (c) The respondent shall be entitled to a hearing on the merits if the
24 respondent files a notice of defense, and the notice shall be deemed a specific
25 denial of all parts of the accusation not expressly admitted. Failure to file a notice
26 of defense shall constitute a waiver of respondent's right to a hearing, but the
27 agency in its discretion may nevertheless grant a hearing.

28 8. Respondent failed to file a Notice of Defense within 15 days after service upon
her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
No. 2009-124.

 9. California Government Code section 11520 states, in pertinent part:

 (a) If the respondent either fails to file a notice of defense or to appear at
the hearing, the agency may take action based upon the respondent's express
admissions or upon other evidence and affidavits may be used as evidence
without any notice to respondent.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 642815, heretofore issued to Respondent Pamela Kay Lankford, RN, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 27, 2009.

It is so ORDERED March 27, 2009
Susanne Phillips MSN, RN, FNP-BC

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

80322185.wpd
DOJ docket number:SD2008801396

Attachment:

Exhibit A: Accusation No.2009-124

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ERIN M. SUNSERI, State Bar No. 207031
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5 San Diego, CA 92186-5266
Telephone: (619) 645-2071
6 Facsimile: (619) 645-2061

7 Attorneys for Complainant

8

9

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

10

11

In the Matter of the Accusation Against:

Case No. *2009-124*

12

PAMELA KAY LANKFORD
7405 Charmont Drive, Apt. 2105
San Diego, CA 92122

ACCUSATION

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14

Registered Nurse License No. 642815

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Respondent.

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Complainant alleges:

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PARTIES

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1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

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2. On or about August 12, 2004, the Board issued Registered Nurse License
23 Number 642815 to Pamela Kay Lankford ("Respondent"). Respondent's registered nurse
24 license expired on August 31, 2006, and has not been renewed.

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1 STATUTORY PROVISIONS

2 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall
7 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
8 licensee or to render a decision imposing discipline on the license. Under Code section 2811,
9 subdivision (b), the Board may renew an expired license at any time within eight years after the
10 expiration.

11 5. Code section 2761, subdivision (a), states, in pertinent part, that the Board may
12 take disciplinary action against a certified or licensed nurse or deny an application for a
13 certificate or license for unprofessional conduct.

14 6. Code section 2762 states, in pertinent part:

15 In addition to other acts constituting unprofessional conduct within
16 the meaning of this chapter [the Nursing Practice Act], it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except
18 as directed by a licensed physician and surgeon, dentist, or podiatrist
administer to himself or herself, or furnish or administer to another, any
19 controlled substance as defined in Division 10 (commencing with Section
20 11000) of the Health and Safety Code or any dangerous drug or dangerous
device as defined in Section 4022.

21

22 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to the
23 substances described in subdivision (a) of this section.

24 7. Code section 4060 states:

25 No person shall possess any controlled substance, except that furnished to
26 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
27 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
28 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or
a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause

1 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.
2 This section shall not apply to the possession of any controlled substance by a
3 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
4 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
5 practitioner, or physician assistant, when in stock in containers correctly
6 labeled with the name and address of the supplier or producer.

7 Nothing in this section authorizes a certified nurse-midwife, a nurse
8 practitioner, a physician assistant, or a naturopathic doctor, to order his or
9 her own stock of dangerous drugs and devices.

10 8. Health and Safety Code section 11173, subdivision (a), states, in pertinent part:

11 No person shall obtain or attempt to obtain controlled substances, or
12 procure or attempt to procure the administration of or prescription for controlled
13 substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

14 **Cost Recovery**

15 9. Code section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations
17 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **CONTROLLED SUBSTANCES AT ISSUE**

20 10. "Vicodin", a combination drug containing 5 mg hydrocodone bitartrate, also
21 known as dihydrocodeinone, and 500 mg acetaminophen per tablet, is a Schedule III controlled
22 substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Diversion and Possession of Controlled Substances)**

25 11. Respondent is subject to disciplinary action pursuant to Code section 2761,
26 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
27 subdivision (a), in that in or about October 2004, while employed and on duty as a
28 registered nurse at Antelope Valley Hospital, Lancaster, California, Respondent did the
following:

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1 **Diversion of Controlled Substances:**

2 a. Respondent obtained the controlled substance Vicodin by fraud, deceit,
3 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,
4 subdivision (a), by removing various quantities of Vicodin from the hospital's Pyxis system^{1/}
5 under the names of several different patients (patient numbers 380858, 893677, 920616, and
6 318214), when, in fact, there were no physician's orders authorizing the medication for the
7 patients. In one instance, Respondent removed two tablets of Vicodin for a patient (patient
8 number 644197) when, in fact, the physician's order called for the administration of only one
9 tablet of Vicodin for the patient. Further, Respondent failed to chart the administration or
10 wastage of the Vicodin in the medication administration records ("MAR"), or made false
11 statements or grossly incorrect, grossly inconsistent, or unintelligible entries in the hospital's
12 records to conceal her diversion of the controlled substance, as set forth in paragraph 12 below.

13 **Possession of Controlled Substances:**

14 b. Respondent possessed unknown quantities of the controlled substance
15 Vicodin without a valid prescription from a physician, dentist, podiatrist, optometrist,
16 veterinarian, or naturopathic doctor, in violation of Code section 4060.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(False Entries in Hospital/Patient Records)**

19 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
20 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
21 subdivision (e), in that in or about October 2004, while employed and on duty as a registered
22 nurse at Antelope Valley Hospital, Lancaster, California, Respondent falsified, or
23 made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital, patient, or other
24 records pertaining to the controlled substance Vicodin, as follows:

25 _____
26 1. The Pyxis Medication System is a computerized medication administration system designed to improve
27 communication between hospital pharmacies and clinical settings, to decrease medication errors, and to improve
28 patient safety. Individual licensed personnel are assigned a password to access the Pyxis by the hospital or health
care agency Pharmacy Department. The system can thus identify users, the time they log in and out of the system,
and their activities while logged in the system, enabling the hospital or health care agency to identify medication
discrepancies.

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Patient # 893677:

a. On October 20, 2004, at 2309 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

b. On October 21, 2004, at 0616 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

Patient # 644197:

c. On October 23, 2004, at 0522 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, the physician's order called for the administration of only one tablet of Vicodin for the patient. Further, Respondent charted on the patient's MAR that she administered two tablets of Vicodin to the patient at 0518 hours.

Patient # 318214:

d. On October 26, 2004, at 1947 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

Patient # 380858:

e. On October 27, 2004, at 0054 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

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Patient # 920616:


f. On October 27, 2004, at 0428 hours, Respondent withdrew 2 tablets of Vicodin from the Pyxis under the patient's name when, in fact, there was no physician's order authorizing the medication for the patient. Further, Respondent failed to chart the administration or wastage of the Vicodin on the patient's MAR and otherwise account for the disposition of the two tablets of Vicodin.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 642815, issued to Pamela Kay Lankford;
2. Ordering Pamela Kay Lankford to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/26/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant