



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 135258 §
issued to LAURA L. WINKLES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LAURA L. WINKLES, Vocational Nurse License Number 1352 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 19, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 Vernon Regional Junior College, Wichita Falls, Texas, on August 30, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991.
5. Respondent's vocational nursing employment history includes:

| | | |
|---------------|-----|---|
| 12/91 - 09/92 | LVN | Care Partners Home Health Wichita Falls, Texas |
|---------------|-----|---|

Respondent's vocational nursing employment history continued:

| | | |
|-----------------|---------|---|
| 09/92 - 09/94 | LVN | Wichita General Hospital Wichita Falls, Texas |
| 09/94 - 09/99 | LVN | Wichita Falls Clinic Wichita Falls, Texas |
| 09/99 - 09/00 | LVN | Hospice Wichita Falls, Texas |
| 09/00 - 10/01 | LVN | Texas Department of CJ Wichita Falls, Texas |
| 10/01 - 06/05 | LVN | Family Practice Associates Wichita Falls, Texas |
| 07/05 - 03/06 | Unknown | |
| 04/06 - 06/07 | LVN | Kell West Regional Hospital Wichita Falls, Texas |
| 07/07 - Present | Unknown | |

6. At the time of the initial incident, Respondent was employed as a licensed vocational nurse with Kell West Regional Hospital, Wichita Falls, Texas, and had been in this position for nine (9) months.
7. On or about January 12, 2007, April 2, 2007 and June 20, 2007, while employed with Kell West Regional Hospital, Wichita Falls, Texas, Respondent obtained, and/or attempted to obtain, Lortab, Zithromax and Cipro from the Wal-Mart Pharmacy, Wichita Falls, Texas, using her daughter's name, through the use of fraudulent, unauthorized telephonically communicated prescriptions, using the name Dana Sprott, FNP, and the name and Drug Enforcement Agency (DEA) number assigned to Brian Hull, MD, as follows:

| Date Filled | Prescription | Quantity | Physician |
|-------------|-----------------------------|----------|-------------|
| 1/12/07 | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian |
| 1/12/07 | Ciprofloxacin 500mg | 20 | Hull, Brian |
| 4/2/07 | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian |

| | | | |
|---------|-----------------------------|----|------------------------------|
| 4/2/07 | Zithromax 250mg | 6 | Hull, Brian |
| 6/20/07 | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian/ Sprott, Dana |

Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. In response to Finding of Fact Number Seven (7), Respondent states that the incidents were isolated and were done solely to address the chronic pain that she and her husband experience from their respective back pain. Respondent states she has not used drugs during her work shifts or in any way that would impair her ability to conduct herself professionally as a nurse...Respondent states that her back problem affects her life to the point she no longer feels the desire to do the things she has historically loved to do. The pain affects her legs, feet and hands. She has shooting pains down her legs along with numbness and tingling in her feet and hands. Respondent states she cannot sit in one spot too long without the pain becoming severe...Respondent's husband also has a bad back from past work and from injuries received from years of competitive bull riding in the rodeo...Respondent asked the PA at Kell West ER to call in the prescription, but she told the PA the prescription was for her daughter. Respondent also called in Cipro (because her husband was getting sick) and Hydrocodone for pain.

Respondent admits to calling in more prescriptions than she was authorized to call in. She called in the additional prescriptions because she was giving her husband some of her pain medication. Respondent gave him her medication so he could take it at night while not driving to help with his pain. After sharing her medication with her husband, Respondent started running low for the doses she needed for herself; and, the lack of her own medication was making it difficult for her to deal with the constant pain...Respondent did call in the prohibited medication three times; however, she did not pick up or ingest the final container of pain medications.

9. Respondent underwent a Forensic Psychological Evaluation on January 24, 2009 with Arthur Joyce, Ph.D. and a Polygraph Examination on February 16, 2009 with Dianne Robinson. Incorporating the results of the polygraph examination which yielded a result that Respondent has "not indicated deception," Dr. Joyce advised the following:

"Objective test findings reveal no clinically significant mood disturbance, substance use disorder, personality dysfunction, deception, or more severe forms of psychopathology. Overall results characterize [Respondent] as an emotionally mature, stable, responsible individual free of general psychopathology. She is able to establish close, meaningful attachments with others. Test results also indicate a pain condition that is influenced by both physical and psychological factors. [Respondent] focuses on health concerns much more frequently than most individuals within a comparative normative sample, perhaps

understandable given the chronic pain caused by herniated discs. Furthermore, all indicators suggest that [Respondent] has been compliant with prescribed pain medication, with the notable exception of giving her pain medication to her husband. She has apparently never ingested pain medication in an abusive manner.

After reviewing Board Rules in detail, I believe [Respondent] is capable of conducting herself in accordance with the requirements of Rules 213.27 - 231.29 at 22 TAC as well as the minimum standards set by the Board's Rules 217.11 at 22 TAC.

10. Formal Charges were filed on October 17, 2008.
11. Formal Charges were mailed to Respondent on October 21, 2008.

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 §217.12(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 Vocational Nurse License Number 135258, heretofore issued to LAURA L. WINKLES, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

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 multistate licensure privilege, if any, to practice nursing in compact states.

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 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 LAURA L. WINKLES, 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>.*

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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) 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.

(5) 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.

(6) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(7) 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 or Licensed Vocational 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.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE

conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

| | |
|---------------------------------|---------------|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(10) RESPONDENT SHALL participate in pain management therapy with a Board approved Medical Doctor or Doctor of Osteopathy, licensed by the Texas Medical Board, and certified as a Diplomat with the American Board of Pain Medicine. RESPONDENT SHALL CAUSE the physician to submit written reports to the Board, which shall include, at a minimum, the clinical indications and rationale for the chronic use of controlled substances, RESPONDENT's

progress and compliance with pain management therapy, and a prognosis as to RESPONDENT's ability to safely practice nursing in a direct patient care setting. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT no longer requires the use of controlled substances.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure 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 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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

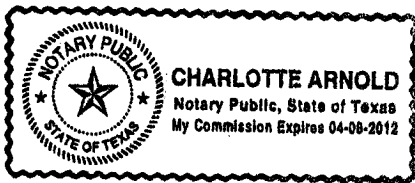
Signed this 14 day of APRIL, 2009.

Laura L. Winkles
LAURA L. WINKLES, Respondent

Sworn to and subscribed before me this 14 day of April, 2009
Charlotte Arnold

SEAL

Notary Public in and for the State of Texas



Approved as to form and substance.

Catherine Tabor
CATHERINE TABOR, Attorney for Respondent

Signed this 17th day of April, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2009, by LAURA L. WINKLES, Vocational Nurse License Number 135258, and said Order is final.

Effective this 12th day of May, 2009.



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

**In the Matter of Permanent License
Number 135258, Issued to
LAURA L. WINKLES, Respondent**

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§

**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LAURA L. WINKLES, is a Vocational Nurse holding license number 135258, 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 January 12, 2007, April 2, 2007 and June 20, 2007, while employed with Kell West Regional Hospital, Wichita Falls, Texas, Respondent obtained, and/or attempted to obtain, Lortab, Zithromax and Cipro from the Wal-Mart Pharmacy, Wichita Falls, Texas, using her daughter's name, through the use of fraudulent, unauthorized telephonically communicated prescriptions, using the name Dana Sprott, FNP, and the name and Drug Enforcement Agency (DEA) number assigned to Brian Hull, MD, as follows:

| Date Filled | Prescription | Quantity | Physician |
|--------------------|-----------------------------|-----------------|------------------------------|
| 1/12/07 | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian |
| 1/12/07 | Ciprofloxacin 500mg | 20 | Hull, Brian |
| 4/2/07. | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian |
| 4/2/07 | Zithromax 250mg | 6 | Hull, Brian |
| 6/20/07 | Hydrocodone/APAP 7.5/500 | 60 | Hull, Brian/ Sprott, Dana |

Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of an unauthorized, fraudulent telephonically communicated prescription is prohibited by 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H),(10)(E)&(11)(B).

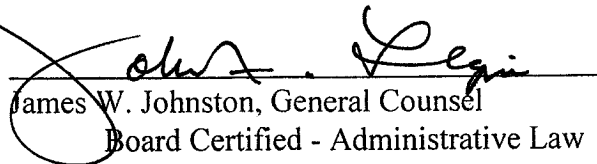
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 17th day of October, 20 08.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization

State Bar No. 10838300

John F. Legris, Assistant General Counsel

State Bar No. 00785533

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