

Respondent's vocational nursing employment history continued:

| | | |
|--------------|---------|---|
| 10/07-3/08 | LVN | Garrison Geriatric Center Lubbock, Texas |
| 4/08-5/08 | LVN | Lubbock Heart Hospital Lubbock, Texas |
| 6/08-Present | Unknown | |

5. On or about April 7, 2006, while employed with Covenant Health System, Lubbock, Texas, Respondent admitted he misappropriated Opiates and Meperidine belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
6. On or about April 7, 2006, while employed with Covenant Health System, Lubbock, Texas, Respondent engaged in the intemperate use of Opiates and Meperidine, in that he produced a specimen for drug screening which resulted positive for Opiates and Meperidine. Possession of Opiates and Meperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates and Meperidine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
7. On or about March 6, 2008, while employed with Garrison Geriatric Center, Lubbock, Texas, Respondent misappropriated Morphine belonging to the facility and the patients thereof, in that he was observed on surveillance video removing a bottle of Morphine from the locked narcotic box kept in the refrigerator and pouring the contents into a specimen cup which he stuck in his pocket. Respondent then refilled the narcotic bottle with cough medicine. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about May 5, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs) and/or Nurses Notes as follows:

| Date/Time | Patient MR # | Medication | Physician's Order | MAR | Nurses Notes | Wastage |
|---------------------|--------------|----------------------------------|---|------|--------------|---------------------------------------|
| 5/5/08 9:02 am | 18804 | Morphine Sulfate 5mg / 1 mL vial | No Order | None | None | None |
| 5/7/08 12:21 pm | 18308 | Morphine Sulfate 5mg / 1 mL vial | Morphine Sulfate 2-5 mg IV Q 2 hrs PRN | None | None | None |
| 5/9/08 11:43 am | 25491 | Fentanyl Citrate 100mcg/ 2ml | No Order | None | None | None |
| 5/20/08 7:02 am | 16200 | Morphine Sulfate 5mg / 1 ml vial | Morphine 1-4 mg Q 5min IV PRN | None | None | 5mg 1:10 pm no witness noted |
| 5/20/08 10:33 am | 16200 | Morphine Sulfate 5mg / 1 mL vial | Morphine 1-4 mg Q 5min IV PRN | None | None | 5mg 1:10 pm no witness noted |

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.

9. On or about May 5, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the unused medications as follows:

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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).

10. On or about May 5, 2008 and May 9, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients without a valid physicians order as follows:

| Date/ Time | Patient MR # | Medication | Physician's Order | MAR | Nurses Notes | Wastage |
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| 5/5/08 9:02 am | 18804 | Morphine Sulfate 5mg / 1 mL vial | No Order | None | None | None |
| 5/9/08 11:43 am | 25491 | Fentanyl Citrate 100mcg/ 2ml | No Order | None | None | None |

Respondent's conduct was likely to injure the patients in that the administration of Morphine and Fentanyl without a valid physician's order could result in the patient suffering from adverse reactions.

11. On or about May 2, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent misappropriated Morphine and Fentanyl belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. Formal Charges were filed on February 19, 2009. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
13. Formal Charges were mailed to Respondent on February 25, 2009.
14. On May 7, 2009, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas.
15. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
16. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11 (1)(A),(B),(C)&(D). and §217.12(1)(A),(B),(4),(5),(6)(G),(8),(10)(A),(C)&(D)&(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 200581, heretofore issued to JACK WESLEY BUCKNER, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:


1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to JACK WESLEY BUCKNER, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

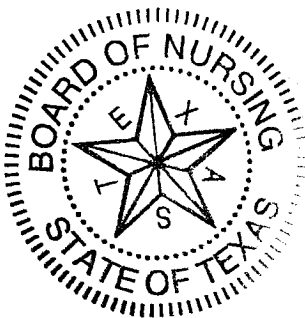
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 7th day of May, 2009.

TEXAS BOARD OF NURSING

By:


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



JACK WESLEY BUCKNER
3101 45th Street
Lubbock, Texas 79413
Texas LVN License #200581

Voluntary Surrender Statement

April 29, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Jack Wesley Buckner
Date 5/4/09
Texas Nursing License Number/s 200581

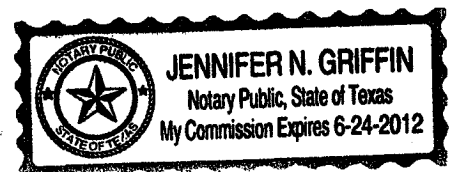
The State of Texas

Before me, the undersigned authority, on this date personally appeared JACK WESLEY BUCKNER who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 4th day of May, 2009.

SEAL

Jennifer N. Griffin
Notary Public in and for the State of Texas



In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 200581, Issued to §
JACK WESLEY BUCKNER, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JACK WESLEY BUCKNER, is a Vocational Nurse holding license number 200581, 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 7, 2006, while employed with Covenant Health System, Lubbock, Texas, Respondent admitted he misappropriated Opiates and Meperidine belonging to the facility and patients thereof. 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),(1)(B),(6)(G)&(8).

CHARGE II.

On or about April 7, 2006, while employed with Covenant Health System, Lubbock, Texas, Respondent engaged in the intemperate use of Opiates and Meperidine, in that he produced a specimen for drug screening which resulted positive for Opiates and Meperidine. Possession of Opiates and Meperidine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates and Meperidine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

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CHARGE III.

On or about March 6, 2008, while employed with Garrison Geriatric Center, Lubbock, Texas, Respondent misappropriated Morphine belonging to the facility and the patients thereof, in that he was observed on surveillance video removing a bottle of Morphine from the locked narcotic box kept in the refrigerator and pouring the contents into a specimen cup which he stuck in his pocket. Respondent then refilled the narcotic bottle with cough medicine. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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CHARGE IV.

On or about May 5, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients, but failed to completely and accurately document the administration of the medication in the patients' Medication Administration Records (MARs) and/or Nurses Notes as follows:

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CHARGE V.

On or about May 5, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients, but failed to follow the policy and procedure for the wastage of the unused medications as follows:

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CHARGE VI.

On or about May 5, 2008 and May 9, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent withdrew Morphine and Fentanyl from the medication dispensing system for patients without a valid physicians order as follows:

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CHARGE VII.

On or about May 2, 2008, through May 20, 2008, while employed with Lubbock Heart Hospital, Lubbock, Texas Respondent misappropriated Morphine and Fentanyl belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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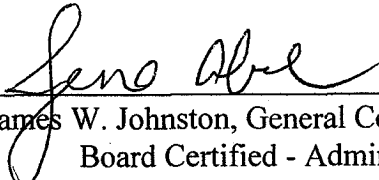
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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 19th day of February, 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