

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 142439  
ISSUED TO  
ANGELA L. BAKER

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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 A. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Angela L. Baker  
951 Jones Road  
Marshall, Texas 75670

During open meeting held in Austin, Texas, on November 12, 2008, 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.

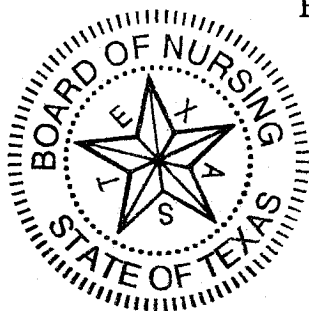
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 142439, previously issued to ANGELA L. BAKER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 142439, previously issued to ANGELA L. BAKER, 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 vocational nursing in the State of Texas.

Entered this 12th day of November, 2008.



TEXAS BOARD OF NURSING


BY:

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

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of November, 2008, 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):

Angela L. Baker  
951 Jones Road  
Marshall, Texas 75670

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

**In the Matter of Permanent License  
Number 142439, Issued to  
ANGELA L. BAKER, Respondent**

**§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANGELA L. BAKER, is a Vocational Nurse holding license number 142439, 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 9, 2004, through April 29, 2005, while employed with Trinity Mother Frances Health System, Tyler, Texas, Respondent passed forged, unauthorized telephonically communicated prescriptions for Darvocet, Hydrocodone, Vicodin, Alprazolam, Promethazine, Z-COF HC Syrup, and Ambien at Brookshire's Pharmacy, Kilgore, Texas, WalMart Pharmacy, Kilgore, Texas, and Eckerd Drug (CVS Pharmacy), Kilgore, Texas, as follows:

<b>Date</b>	<b>Medication/Quantity</b>	<b>Physician</b>	<b>Pharmacy</b>
1/9/04	Hydrocodone- 15 tabs	Mark Miller	Brookshire Pharmacy
2/5/04	Ambien 10mg - 30 tabs	Mark Miller	Brookshire Pharmacy
3/11/04	Hydrocodone - 20 tabs	Mark Miller	Brookshire Pharmacy
7/7/04	Alprazolam .25mg - 30 tabs	Mark Miller	Brookshire Pharmacy
7/16/04	Alprazolam .25mg- 30 tabs	Mark Miller	Brookshire Pharmacy
7/24/04	Hydrocodone - 15 tabs	James Repasky	Brookshire Pharmacy
7/24/04	Promethazine 25mg- 15 tabs	James Repasky	Brookshire Pharmacy
10/19/04	Ambien 10mg - 30 tabs	Mark Miller	Brookshire Pharmacy
11/15/04	Ambien 10mg - 30 tabs	Mark Miller	Brookshire Pharmacy
11/19/04	Hydrocodone - 15 tabs	Mark Miller	Brookshire Pharmacy
1/12/05	Hydrocodone - 15 tabs	Mark Miller	Brookshire Pharmacy
1/22/05	Ambien 10mg - 30 tabs	Mark Miller	Brookshire Pharmacy
2/4/05	Z-COF HC Syrup - 180ml	Mark Miller	Brookshire Pharmacy
3/18/05	Ambien 10mg - 30 tabs	Mark Miller	Brookshire Pharmacy

3/21/05	Hydrocodone - 30 tabs	Clark Langley	Wal-Mart Pharmacy
4/6/05	Z-COF HC Surup - 180ml	Mark Miller	Brookshire Pharmacy
4/15/05	Hydrocodone - 30 tabs	Clark Langley	Wal-Mart Pharmacy
4/15/05	Ambien 10mg - 30 tabs	Mark Miller	Wal-Mart Pharmacy
4/18/05	Hydrocodone - 15 tabs	Mark Miller	Brookshire Pharmacy
4/18/05	Vicodin 500/5mg tabs - 15 tabs	Mark Miller	Wal-Mart Pharmacy
4/24/05	Propoxyphene 100/650tab - 15 tabs	Mark Miller	CVS Pharmacy
4/29/05	Ambien 10mg - 30 tab/6 refills	Mark Miller	Wal-Mart Pharmacy
4/29/05	Vicodin 500/5mg - 30 tabs/1 refill	Clark Langley	Wal-Mart Pharmacy

Respondent's conduct was likely to deceive the pharmacy and possession of Darvocet, Hydrocodone, Vicodin, Alprazolam, Promethazine, Ambien and Z-COF HC Surup, through use of an unauthorized telephonically communicated prescriptions 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 Sections 302.402(a)(10) and 301.452(b)(10)(effective February 1, 2004), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(E)&(11)(B)(effective September 28, 2004) and 239.11(5)&(28).

#### **CHARGE II.**

On or about August 2006, while employed with Advanced Temporaries, Tyler, Texas, and on assignment at East Texas Medical Center, Tyler, Texas, Respondent misappropriated Ambien and Vicodin belonging to the facility and/or the 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(6)(G)&(8).

#### **CHARGE III.**

On or about August 2006, while employed with Advanced Temporaries, Tyler, Texas, and on assignment at East Texas Medical Center, Tyler, Texas, Respondent engaged in the intemperate use of Ambien and Vicodin. Possession of Ambien and Vicodin is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Ambien and Vicodin by a 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A)&(11)(B).

**CHARGE IV.**

On or about May 4, 2007, Respondent attempted to pass an unauthorized telephonically communicated prescription for Ambien and B-Tuss at K-Mart Pharmacy, Longview, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Ambien and B-Tuss through use of an unauthorized 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(10)(E)&(11)(B).

**CHARGE V.**

On or about May 24, 2007, while employed with Excel Staffing, Inc., Tyler, Texas, and on assignment at East Texas Medical Center, Quitman, Texas, Respondent withdrew Hydrocodone, Norco, and Ambien from the Pyxis Medication Dispensing System for patients but failed to document the administration of the medication in either the Medication Administration Record (MAR), the Nurses Notes or both, as follows:

Date/Time	Patient	Physician's Order	Pyxis Record	MAR	Nurses Notes
5/24/07 @ 1835	ID#23208267	No Order for Hydrocodone,	Hydrocodone (Norco) - 2 tabs	No	No
5/24/07 @ 2244	ID#23208267	No Order for Ambien	Ambien CR - 2 tabs	No	No
5/24/07 @ 1543	ID#23200694	Norco 1-2 tabs PO every 4 hrs PRN for breakthrough pain	Hydrocodone - 2 tabs	No	No
5/24/07 @ 1909	ID#23200694	same above	Hydrocodone (Norco) - 2 tabs	1915	No
5/24/07 @ 2007	ID#23200694	same above	Hydrocodone (Norco) - 2 tabs	2125	No
5/24/07 @ 1740	ID#23202195	Hydrocodone Elixer 5-10cc PRN every four hours	Hydrocodone 15ml	No	No

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

## CHARGE VI.

On or about May 24, 2007, while employed with Excel Staffing, Inc., Tyler, Texas, and on assignment at East Texas Medical Center, Quitman, Texas, Respondent withdrew Hydrocodone two (2) tabs at 1835 and Ambien two (2) tabs at 2244, from the Pyxis Medication Dispensing System for Patient ID#23208267 without a physician's order for the medications. Respondent's conduct was likely to injure the patient in that the administration of medications without a physician's order could result in the patient suffering from adverse reactions.

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

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 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).

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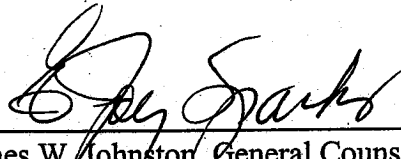
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NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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 Chemical Dependency, Lying and Falsification, and Fraud, Theft & Deception which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 3rd day of January, 2008.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

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