

Reporting Form for NURSYS Disciplinary Data, US. DEPT HHSC & TX DEPT HHSC

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LAST NAME		FIRST NAME		MIDDLE NAME	
SKAGGS		LENA		CRISTINE	
SS#	458-55-4270	DOB	03/01/67	GENDER:	FEMALE
STREET ADDRESS:		1301 N. MISSOURI			
CITY	FORT STOCKTON	STATE	TX	ZIP CODE	79735
RN LICENSE #		EXPIRATION DATE		LVN LICENSE #	
				121876	
				03/31/07	
Select Code X	HIPDB Code	Action (Check all that apply)		STAYED Y/N	START DATE
X	1110	Revocation of License		N	07/19/07
	1125	Probation of License			
	1135	Suspension of License			
	1139	Summary/emergency Suspension			
	1140	Reprimand or Censure			
	1145	Voluntary Surrender			
	1145R	Voluntary Surrender of License			
	1147	Limitation or Restriction on License			
	1148	Denial of License Renewal			
	1149	Denial of Initial License			
	1173	Publicly Available Fine/monetary Penalty Specify Amount: \$			
	1189	Publicly Available Negative Action or Finding			
	1199	Other Licensure Action, Not Classified, Specify:			
	1280	License Restored or Reinstated, Complete			
	1282	License Restored or Reinstated, Conditional			
	1285	License Restored or Reinstated, Denied			
	1295	Reduction of Previous Action			
	1296	Extension of Previous Action			

Select Code	HIPDB Code	HIPDB Basis for Action
X		
NON-COMPLIANCE WITH FEDERAL, STATE OR CONTRACTUAL REQUIREMENTS		
	39	License Revocation, Suspension or Other Disciplinary Action Taken by a Federal or Local Licensing Authority
	A1	Failure to Meet the Initial Requirements of Licensure
	A2	Failure to Comply with Continuing Education or Competency Requirements
	A3	Failure to Meet Licensing Board Reporting Requirements
	A4	Practicing without a Valid License
	A5	Violation of or a Failure to Comply with Licensing Board Order
	29	Practicing Beyond the Scope of Practice
	31	Failure to Comply with Health and Safety Requirements
	44	Default on Health Education Loan or Scholarship Obligations
	45	Failure to Maintain Records or Provide Medical, Financial or Other Required Information
	A6	Violation of Federal or State Statutes, Regulations or Rules
CRIMINAL CONVICTION OR ADJUDICATION		
	B1	Nolo Contendere Plea
	19	Criminal Conviction
CONFIDENTIALITY, CONSENT OR DISCLOSURE VIOLATIONS		
	C1	Failure to Obtain Informed Consent
	C2	Failure to Comply with Patient Consultation Requirements
	C3	Breach of Confidentiality
MISCONDUCT OR ABUSE		
	14	Patient Abuse
	D1	Sexual Misconduct
	D2	Non-Sexual Dual Relationship or Boundary Violation
	71	Conflict of Interest
	D3	Exploiting a Patient for Financial Gain
	16	Misappropriation of Patient Property or Other Property
X	10	Unprofessional Conduct
FRAUD, DECEPTION, OR MISREPRESENTATION		
	E1	Insurance Fraud (Medicare, Medicaid or Other Insurance)
	55	Improper or Abusive Billing Practices
	56	Submitting False Claims
	E2	Providing or Ordering Unnecessary Tests or Services
	E3	Filing False Reports or Falsifying Records
	E4	Fraud, Deceit or Material Omission in Obtaining License or Credentials
	81	Misrepresentation of Credentials
	E5	Misleading, False or Deceptive Advertising or Marketing
	05	Fraud - Unspecified
UNSAFE PRACTICE OR SUBSTANDARD CARE		
	F1	Immediate Threat to Health or Safety
X	F2	Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse
	F3	Unable to Practice Safely by Reason of Psychological Impairment or Mental Disorder
	F4	Unable to Practice Safely by Reason of Physical Illness or Impairment

	F5	Unable to Practice Safely
	F6	Substandard or Inadequate Care
	F7	Substandard or Inadequate Skill Level
	F8	Failure to consult or Delay in Seeking Consultation with Supervisor/Proctor
	11	Incompetence
	12	Malpractice
	13	Negligence
	15	Patient Neglect
	F9	Patient Abandonment
	FA	Inappropriate Refusal to Treat
	53	Failure to Provide Medically Reasonable and/or Necessary Items or Services
IMPROPER SUPERVISION OR ALLOWING UNLICENSED PRACTICE		
	G1	Inappropriate or Inadequate Supervision or Delegation
	G2	Allowing or Aiding Unlicensed Practice
IMPROPER PRESCRIBING, DISPENSING, ADMINISTRATING MEDICATION/DRUG VIOLATION		
	H1	Narcotics Violation of Other Violation of Drug Statutes
	H2	Unauthorized Prescribing of Medication
	H3	Unauthorized Dispensing of Medication
	H4	Unauthorized Administration of Medication
	H5	Error in Prescribing, Dispensing or Administering Medication
	H6	Diversion of Controlled Substance
OTHER		
	99	Other – Not Classified, Specify:
X		
N A R R A T I V E		<u>12/05/05 LVN engaged in the intemperate use of cocaine in that she submitted a specimen for a drug screen which resulted positive for cocaine.</u>

DOCKET NUMBER 507-07-1444

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 121876	§	OF
ISSUED TO	§	
LENA CRISTINE SKAGGS	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Lena Cristine Skaggs
1301 N. Missouri
Fort Stockton, TX 79735

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 121876, previously issued to LENA CRISTINE SKAGGS, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 121876, previously issued to LENA CRISTINE SKAGGS, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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 19th day of July, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

SOAH DOCKET NO. 507-07-1444

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
PERMANENT CERTIFICATE	§	OF
NUMBER 121876 ISSUED TO	§	
LENA CRISTINE SKAGGS	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Staff of the Board of Nurse Examiners for the State of Texas (Staff/Board) seeks to revoke Lena Cristine Skaggs' (Respondent's) vocational nurse's licence for the intemperate use of cocaine. Despite being sent proper notice, Respondent did not appear nor was she represented at the hearing. Based on Respondent's failure to appear, Staff moved for a default. The motion was granted establishing all the allegations pled against Respondent as true. Therefore, the Administrative Law Judge (ALJ) recommends adopting Staff's requested sanction of revocation of Respondent's license.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

On March 29, 2007, ALJ Catherine C. Egan convened the hearing in the William P. Clements Building, 300 West 15th Street, Austin, Texas. Assistant General Counsel Victoria Cox represented Staff. Staff provided sufficient documentary evidence establishing jurisdiction and that adequate notice of the hearing was provided Respondent to support Staff's default motion.

II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 Tex. Admin. Code § 155.55, the ALJ recommends that Respondent's license be revoked and that administrative cost of \$1,200 be assessed against Respondent. The admitted documentary evidence includes Respondent's letters to Staff admitting that she had used cocaine while she was subject to call as a licensed vocational nurse employed by Fort Stockton Nursing Center.

Staff's expert witness, Melinda Hester, testified that Respondent's use of cocaine posed a danger to the public because, as a licensed vocational nurse for Fort Stockton Nursing Center, Respondent was on call even when she was not on duty. Respondent's use of cocaine could impair her ability to recognize subtle changes in a patient's condition and impair her ability to make decisions regarding the patient's care. Staff established that for this type of violation the Board's policy is to revoke the vocational nurse's license.

III. PROPOSED FINDINGS OF FACT

1. Lena Cristine Skaggs (Respondent), a vocational nurse, holds license number 121876 issued on December 8, 1988.
2. The Board of Nurse Examiners for the State of Texas (the Board) filed its Formal Charges against Respondent on September 19, 2006.
3. On September 20, 2006, the Board sent a copy of the Formal Charges to Respondent by certified mail, return receipt requested, at her address of record on file with the Board: 1301 N. Missouri, Fort Stockton, Texas 79735.
4. Respondent signed the return receipt card indicating receipt of the Formal Charges.
5. On January 23, 2007, the Board's Staff sent a hearing notice with a copy of the charges to Respondent by certified mail, return receipt requested, at the address described in Finding of Fact No. 3.
6. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
7. The hearing notice advised Respondent in capital letters in 12-point, boldface type that failure to appear at the hearing in person or by legal representative, regardless of whether an appearance had been entered, could result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of staff being granted by default.
8. Staff issued the notices specified above and gave Respondent an opportunity to show compliance with the required law and Board's rules.

9. On March 29, 2007, ALJ Catherine C. Egan convened the hearing in the William P. Clements Building, 300 West 15th Street, Austin, Texas. Assistant General Counsel Victoria Cox represented Staff. Despite proper notice of the hearing, Respondent did not appear and was not represented at the hearing.
10. Staff's motion for default was granted, and Staff's factual allegations in the notice of hearing and formal charges were established as true.
11. On December 9, 2005, while employed as a vocational nurse at Fort Stockton Nursing Center, Fort Stockton, Texas, Respondent submitted a specimen for a drug screen which was positive for cocaine.
12. On December 9, 2005, while employed as a vocational nurse at Fort Stockton Nursing Center, Fort Stockton, Texas, Respondent engaged in the intemperate use of cocaine.
13. The use of cocaine by a licensed vocational nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition.
14. The use of cocaine by a licensed vocational nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care.
15. A licensed vocational nurse with the impairment described in Findings of Fact Nos. 13 and 14 places patients in potential danger.

IV. PROPOSED CONCLUSIONS OF LAW

1. The Board of Nurse Examiners for the State of Texas (the Board) has jurisdiction over this matter pursuant to the Nursing Practice Act (the Act), TEX. OCC. CODE ANN. § 301.453.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 and § 301.454 of the Act.
3. Proper and timely notice was effected upon the Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. ch. 2001, and 22 TEX. ADMIN. CODE (TAC) §§ 213.10 and 213.22.
4. A default is authorized pursuant to 1 TAC § 155.55.

5. Based on Findings of Fact Nos. 11-15 and Conclusion of Law No. 4, Respondent violated § 301.452(b)(9) and (10) of the Act and 22 TAC § 217.12(10)(A)(d).
6. The Board is authorized to take disciplinary actions against Respondent, including revocation, pursuant to § 301.453 of the Act.
7. Pursuant to § 301.453 of the Act, the Board should revoke Respondent's vocational nurse's license.

SIGNED May 21, 2007.



CATHERINE C. EGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS