



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 § AGREED
Vocational Nurse License Number 226468 §
issued to JESSICA LINDSAY LAKEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JESSICA LINDSAY LAKEY, Vocational Nurse License Number 226468, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 5, 2012.

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(s).
2. Respondent waived representation by counsel, 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 Tyler County Hospital, Tyler, Texas, on December 18, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on January 26, 2010.
5. Respondent's vocational nursing employment history includes:

01/2010 - 04/2010 Employment history unknown.

Respondent's vocational nursing employment history continued:

04/2010 - 04/2012 LVN Helping Hands Nursing Agency
Jasper, Texas

04/2012 - Present Employment history unknown.

6. At the time of the incident, Respondent was employed as a vocational nurse with Helping Hands Nursing Agency, Jasper, Texas, and had been in this position for two (2) years and two (2) months.
7. On or about June 7, 2012 through June 11, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center- Crockett, Crockett, Texas, Respondent withdrew Morphine and Demerol from the Medication Dispensing System for patients without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of Morphine and Demerol without a valid physician's order could result in the patients suffering from adverse reactions including respiratory depression.
8. On or about June 7, 2012 through June 11, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center- Crockett, Crockett, Texas, Respondent withdrew Morphine and Demerol from the Medication Dispensing System for patients in excess dosage/frequency of physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of Morphine and Demerol in excess of the physician's order could result in the patients suffering from adverse reactions.
9. On or about June 7, 2012 through June 11, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center- Crockett, Crockett, Texas, Respondent withdrew Morphine and Demerol from the Medication Dispensing System for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or Nurse's Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose.
10. On or about June 7, 2012 through June 11, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center- Crockett, Crockett, Texas, Respondent withdrew Morphine and Demerol from the Medication Dispensing System for patients, but failed to follow that facility's policy and procedures for the wastage of any of the unused portions of the medications. 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).

11. On or about June 7, 2012 through June 11, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center- Crockett, Crockett, Texas, Respondent misappropriated Morphine and Demerol belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On or about June 5, 2012 through June 8, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center-Trinity Hospital, Trinity, Texas, Respondent withdrew Demerol from the Medication Dispensing System for patients without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of Demerol without a valid physician's order could result in the patients suffering from adverse reactions.
13. On or about June 5, 2012 through June 8, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center-Trinity Hospital, Trinity, Texas, Respondent withdrew Demerol from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for the wastage of any of the unused portions of the medication. 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).
14. On or about June 5, 2012 through June 8, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at East Texas Medical Center-Trinity Hospital, Trinity, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
15. On or about June 15, 2012, while employed as a Licensed Vocational Nurse with Helping Hands Nursing Agency, Jasper, Texas, and on assignment at Shelby Regional Hospital, Center, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
16. In response to Findings of Fact Numbers Seven (7) through Fifteen (15), Respondent states: "I am requesting admission to the TPAPN program as soon as possible. I admit fully to taking Demerol and Morphine from two hospitals in Crockett and Trinity. My husband passed away in nursing school and this is when my prescription drug abuse began. I am requesting treatment for it to recover and move forward with my career. I love what I do and enjoy my career choice. I will only prosper from the appropriate treatment."

17. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
18. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
19. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
20. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 226468, heretofore issued to JESSICA LINDSAY LAKEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

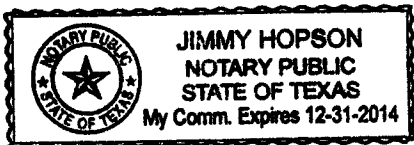
Signed this 10 day of December, 2012.

Jessica Lindsay Lakey
JESSICA LINDSAY LAKEY, RESPONDENT

Sworn to and subscribed before me this 10 day of December, 2012.

SEAL

J. M. Hopson
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 10th day of December, 2012, by JESSICA LINDSAY LAKEY, and Vocational Nurse License Number 226468, and said Order is final.

Entered and effective this 14th day of January, 2013.



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