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Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 149343 §
issued to LORI SUE MUSICK §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 149343, issued to LORI SUE MUSICK, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Nursing from Navarro College at Mexia, Mexia, Texas on August 12, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 1994.

4. Respondent's nursing employment history includes:

11/94-03/14	Unknown	
04/14-08/14	Licensed Vocational Nurse	St. Catherine's Center Waco, Texas
09/14-present	Unknown	

5. On or about August 1, 2014, through August 5, 2014, while employed as a Licensed Vocational Nurse with St. Catherine's Center, Waco, Texas, Respondent withdrew Hydrocodone/APAP from the medication dispensing cabinet for patients, but failed to document and/or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR) 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. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
6. On or about August 1, 2014, through August 12, 2014, while employed as a Licensed Vocational Nurse with St. Catherine's Center, Waco, Texas, Respondent withdrew Hydrocodone/APAP from the medication dispensing system in excess frequency and/or dosage of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of medication in excess frequency and/or dosage of the physicians' orders could result in the patient suffering from adverse reactions, and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
7. On or about August 1, 2014 through August 12, 2014, while employed as a Licensed Vocational Nurse with St. Catherine's Center, Waco, Texas, Respondent withdrew Hydrocodone/APAP from the medication dispensing system for patients but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about August 1, 2014 through August 12, 2014, while employed as a Licensed Vocational Nurse with St. Catherine's Center, Waco, Texas, Respondent misappropriated four (4) tablets of Hydrocodone/APAP 10/325mg belonging to patient S.F., four (4) tablets of Hydrocodone/APAP 10/325mg belonging to patient M.R., and one (1) tablet of Hydrocodone/APAP 10/325mg belonging to patient L.S., or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.
9. On or about October 6, 2015, Respondent entered a plea of Guilty to FRAUD, a 3rd Degree felony offense committed on October 3, 2014, in the 54th District Court of McLennan County, Texas, under Cause No. 2015-392-C2. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of four (4) years and ordered to a pay fine and court costs.
10. Formal Charges were filed on February 19, 2016.

11. Formal Charges were mailed to Respondent on March 2, 2016.
12. On March 8, 2016, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated March 4, 2016, is attached and incorporated herein by reference as part of this Order.
13. 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.
14. 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(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),(1)(B),(1)(C),(4),(6)(G),(8),(10)(B),(10)(C),(10)(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3),(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 149343, heretofore issued to LORI SUE MUSICK, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 149343, heretofore issued to LORI SUE MUSICK, to practice nursing in the State of Texas, is/are 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 NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself 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.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 8 day of March, 2016.

TEXAS BOARD OF NURSING

By: 

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

3/4/16

To whom it may concern.

I voluntarily surrender my ^{LA} license.

Core Muscle

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