



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.
Stephanie P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 232403
ISSUED TO
LACEY DAWN WHATLEY,
RESPONDENT

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BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: LACEY DAWN WHATLEY
1308 JAKARTA ST
BOWIE, TX 76230

During open meeting held in Austin, Texas, on May 8, 2018, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee 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(s) to practice 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 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 § 213.16(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 Vocational Nurse License Number 232403, previously issued to LACEY DAWN WHATLEY, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 8th day of May, 2018.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed February 26, 2018.

d17r(lvn)(2016.05.11)

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 20 18, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

LACEY DAWN WHATLEY
1308 JAKARTA ST
BOWIE, TX 76230

BY:



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

**In the Matter of
Permanent Vocational Nurse
License Number 232403
Issued to LACEY DAWN WHATLEY,
Respondent**

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

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LACEY DAWN WHATLEY, is a Vocational Nurse holding License Number 232403, 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 June 3, 2017, through June 25, 2017, while employed as a Licensed Vocational Nurse with Senior Care Health and Rehabilitation, Decatur, Texas, Respondent withdrew Hydrocodone from the medication dispensing system for patients but failed to document and/or completely and accurately document the administration of the medication in the patient's Medication Administration Records (MAR), as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	MAR
06/03/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/03/2017	10P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/04/2017	7A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/04/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/04/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/08/2017	1A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/12/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/13/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/13/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/13/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/14/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/16/17	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None

06/16/17	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/17/17	3A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/17/17	7A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/17/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/17/17	10P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/18/17	2A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/18/17	6A	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/18/17	6P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/18/17	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/19/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/20/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/20/17	10P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/21/17	2A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/21/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/21/17	1030P	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/22/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/23/17	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/23/17	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None
06/23/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None
06/25/17	6A	MV	Hydroco/APAP tab 7.5-325mg (1)	None
06/25/17	9A	MV	Hydroco/APAP tab 7.5-325mg (1)	None
06/25/17	1100A	MV	Hydroco/APAP tab 7.5-325mg (1)	None

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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 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)&(11)(B).

CHARGE II.

On or about June 3, 2017, through June 25, 2017, while employed as a Licensed Vocational Nurse with Senior Care Health and Rehabilitation, Decatur, Texas, Respondent withdrew Hydrocodone from the medication dispensing system for patients in excess frequency and/or dosage of the physician's order, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Order	MAR
06/03/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/03/2017	10P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/13/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/13/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	6P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/19/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/20/17	10P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/21/17	2A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/21/17	1030P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/22/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/23/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/25/17	6A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None
06/25/17	9A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None
06/25/17	1100A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None

Respondent's conduct was likely to injure the patients in that the administration of Hydrocodone in excess frequency and/or dosage of the physicians's order could result in the patients suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(2), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE III.

On or about June 3, 2017, through June 25, 2017, while employed as a Licensed Vocational Nurse with Senior Care Health and Rehabilitation, Decatur, Texas, Respondent withdrew Hydrocodone from the medication dispensing system for patients but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications, as follows:

Date	Time	Patient	Medication Withdrawn (Qty)	Waste	Order	MAR
06/03/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/03/2017	10P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	7A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/04/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/08/2017	1A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/12/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/13/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/13/2017	7P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/13/2017	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/14/2017	3A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/16/17	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/16/17	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/17/17	3A	JJ	Hydroco/APAP Tab 10-	None	Hydroco/APAP 10-325mg	None

			325mg (1)		1 tab PO Q 4-6 hours PRN	
06/17/17	7A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/17/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/17/17	10P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	2A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	6A	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	6P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/18/17	11P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/19/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/20/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/20/17	10P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/21/17	2A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/21/17	6P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/21/17	1030P	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/22/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/23/17	7P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/23/17	11P	JJ	Hydroco/APAP Tab 10-325mg (1)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/23/17	3A	JJ	Hydroco/APAP Tab 10-325mg (2)	None	Hydroco/APAP 10-325mg 1 tab PO Q 4-6 hours PRN	None
06/25/17	6A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None
06/25/17	9A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None
06/25/17	1100A	MV	Hydroco/APAP tab 7.5-325mg (1)	None	Hydroco/APAP 7.5-325mg 1 tab PO Q6 hours PRN	None

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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE IV.

On or about June 3, 2017, through June 25, 2017, while employed as a Licensed Vocational Nurse with Senior Care Health and Rehabilitation, Decatur, Texas, Respondent misappropriated forty-six (46) tabs of Hydrocodone from Patient J.J. and three (3) tabs of Hydrocodone from Patient M.V., belonging to the facility or patients thereof, or failed to take precautions to prevent the misappropriation. 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 and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

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.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; related to Behavior Involving Lying and Falsification; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 26 day of February, 2018.

TEXAS BOARD OF NURSING



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D(2017.11.09)