



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP120951 with Prescription	§	
Authorization Number 11836	§	
& Registered Nurse License Number 737242	§	
issued to ALEXANDRA KATE YOCKEY	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALEXANDRA KATE YOCKEY, Advanced Practice Registered Nurse License Number AP120951 with Prescription Authorization Number 11836, and Registered Nurse License Number 737242, 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), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 16, 2020.

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 notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as an Acute Care Pediatric Nurse Practitioner is in current status with Prescription Authorization Number 11836 in current status.
4. Respondent received a Baccalaureate Degree in Nursing from University of Incarnate Word, San Antonio, Texas, on December 9, 2006. Respondent completed an Acute Care Pediatric Nurse Practitioner Program from Vanderbilt University, Nashville, Tennessee, on August 7, 2011. Respondent was licensed to practice professional nursing in the State

of Texas on January 25, 2007. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Pediatric Nurse Practitioner on October 7, 2011. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Pediatric Nurse Practitioner with Prescription Authorization on October 7, 2011.

5. Respondent's nursing employment history includes:

01/2007 – 11/2011	RN III	Children's Memorial Hermann Hospital Houston, TX
11/2011 – 03/2019	Pediatric Trauma Nurse Practitioner	University of Texas at Houston Houston, TX
04/2019 – 08/2019	Acute Care Provider Coordinator Nurse Practitioner	University of Texas at Houston Houston, TX
09/2019 – Present	Unknown	

6. At the time of the incident, Respondent was employed as an Acute Care Pediatric Nurse Practitioner with the University of Texas at Houston, Houston, Texas, and had been in that position for six (6) years and three (3) months.
7. On or about February 26, 2019, and March 28, 2019, while employed as an Acute Care Pediatric Nurse Practitioner with the University of Texas at Houston, Houston, Texas, Respondent obtained Phentermine from CVS Pharmacy, Katy, Texas, through the use of an unauthorized, telephonically communicated prescription that was processed under the name of Charles Samuel Cox, Jr, MD. In addition, on May 23, 2019, Respondent called in a second prescription for Phentermine to CVS Pharmacy, but the prescription was cancelled by Dr. Cox Jr. Subsequently, when Respondent was confronted by staff, Respondent admitted to calling in the two (2) prescriptions for Phentermine for her own personal use. Respondent's conduct was likely to deceive the pharmacy, and possession of Phentermine through use of an unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code.
8. In response to Finding of Fact Number Seven (7), Respondent states she was fully transparent with UT Health and her supervising physician regarding this matter.

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 §217.12(1)(B),(4),(6)(H),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP120951 with Prescription Authorization Number 11836, and Registered Nurse License Number 737242, heretofore issued to ALEXANDRA KATE YOCKEY.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

NOW, THEREFORE, IT IS AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT shall receive the sanction of **WARNING WITH STIPULATIONS**, in according with the terms of this Order, and the **VOLUNTARY SURRENDER** of Advanced Practice Registered Nurse License Number AP120951 with Prescription Authorization Number 11836 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

- A. RESPONDENT SHALL NOT practice advanced practice registered nursing or prescribe or order any medication, dangerous drug, prescription drug, non-prescription drug, or controlled substance, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying herself as an advanced practice registered nurse with prescriptive authorization or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse with prescriptive authorization during the period in which the license is surrendered.
- B. RESPONDENT SHALL surrender any and all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s)

and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, within fourteen (14) days of entry of this Order.

- C. RESPONDENT SHALL NOT petition for reinstatement of her advanced practice authorization and prescriptive authority until: one (1) year has elapsed from the date of this Order.
- D. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for advanced practice authorization and prescriptive authority recognition.
- E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.
- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a registered nurse have elapsed. Periods of unemployment or of

employment that do not require the use of a registered nurse (RN), as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances**, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL **submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances**. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.

- For the twelve (12) month period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed once per month.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone

Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

VII. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S) AND/OR FULL PRESCRIBING AUTHORIZATION

With the exception of RESPONDENT'S Advanced Practice Registered Nurse License Number and Prescription Authorization, upon full compliance with the terms of

this Agreed Order, all other encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

Upon full compliance with the terms of this Order, RESPONDENT'S Advanced Practice Registered Nurse License Number and Prescription Authorization shall remain **VOLUNTARILY SURRENDERED** until such time that RESPONDENT petitions and obtains written authorization from the Board to practice as an Advanced Practice Registered Nurse License Number with Prescription Authorization, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- C. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of May, 2020.

Alexandra Kate Fockey
ALEXANDRA KATE FOCKEY, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Alejandro Mora
Alejandro Mora, Attorney for Respondent

Signed this 18 day of May, 2020

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of May, 2020, by ALEXANDRA KATE YOCKEY, Advanced Practice Registered Nurse License Number AP120951, and Registered Nurse License Number 737242, and said Agreed Order is final.

Effective this 9th day of June, 2020.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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