

BEFORE THE TEXAS BOARD OF NURSING



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.  
*Patricia P. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse           §       AGREED  
License Number 629003                       §  
issued to LISA JOYCE WEINBERG           §       ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 629003, issued to LISA JOYCE WEINBERG, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Pensacola Junior College, Pensacola, Florida, on August 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 12, 1996.

5. Respondent's professional nursing employment history includes:

|                |                     |  |
|----------------|---------------------|--|
| 6/96 - 12/97   | Unknown             |  |
| 1/98 - 6/99    | Staff Nurse         | Osteopathic Medical Center of Texas<br>Fort Worth, Texas |
| 7/99 - 9/99    | Unknown             |  |
| 10/98 - 6/99   | Case Manager        | Huguley Home Health<br>Granbury, Texas                   |
| 7/99 - 8/00    | Case Manager        | Community Care Granbury<br>Granbury, Texas               |
| 9/01 - 3/03    | Director of Nursing | Community Care Granbury<br>Granbury, Texas               |
| 4/03 - 6/03    | Branch Manager      | Guardian Health Care<br>Glen Rose, Texas                 |
| 7/03 - 11/04   | Case Manager        | Home Health Specialties<br>Arlington, Texas              |
| 12/04 - 9/05   | Unknown             |  |
| 10/05 - 4/06   | Staff Nurse         | Trinity Dialysis<br>Fort Worth, Texas                    |
| 5/06 - present | Unknown             |  |

6. On October 18, 2007, Respondent was issued a Limited License with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the October 18, 2007, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about October 19, 2008, Respondent failed to comply with the Agreed Order issued to her on October 18, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

8. Respondent states she understood that the action taken against her was without condition. She admits to having not attended the courses. A copy of Respondent's letter is attached and incorporated, by reference, as part of this Order.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
10. 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.

#### 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 violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 629003, heretofore issued to LISA JOYCE WEINBERG, 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, as amended, 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 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 629003, heretofore issued to LISA JOYCE WEINBERG, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

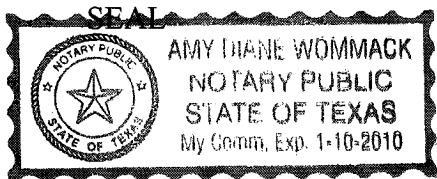
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 7<sup>th</sup> day of July, 2009.

Lisa Joyce Weinberg  
LISA JOYCE WEINBERG, Respondent

Sworn to and subscribed before me this 7 day of July, 2009.




Amy Diane Wommack  
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 the voluntary surrender of Registered Nurse License Number 629003, previously issued to LISA JOYCE WEINBERG.



Effective this 14th day of July, 20 09.

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse License Number 629003 §     AGREED  
issued to LISA JOYCE WEINBERG                                     §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LISA JOYCE WEINBERG, Registered Nurse License Number 629003, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 15, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Pensacola Junior College, Pensacola, Florida, on August 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 12, 1996.
5. Respondent's professional nursing employment history includes:  
  
06/96 - 12/97                     Unknown

**Respondent's professional nursing employment history (continued):**

|                 |                     |  |
|-----------------|---------------------|--|
| 01/98 - 06/99   | Staff RN            | Osteopathic Medical Center of Texas<br>Unknown |
| 10/98 - 06/99   | RN Case Manager     | Huguley Home Health<br>Granbury, TX            |
| 06/99 - 08/00   | RN Case Manager     | Community Care Granbury<br>Granbury, TX        |
| 08/00 - 03/03   | Director of Nursing | Community Care Granbury<br>Granbury, TX        |
| 04/03 - 06/03   | Branch Manager      | Guardian Health Care<br>Glen Rose, TX          |
| 06/03 - 11/04   | RN Case Manager     | Home Health Specialties<br>Arlington, TX       |
| 12/04 - 09/05   | Unknown             |  |
| 10/05 - 04/06   | RN                  | Trinity Dialysis<br>Fort Worth, TX             |
| 05/06 - Present | Unknown             |  |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Home Health Specialties, Arlington, Texas, and had been in this position for approximately one (1) year.
7. On or about May 27, 2004, while employed as a Registered Nurse with Home Health Specialties, Arlington, Texas, Respondent misappropriated Hydrocodone belonging to a patient, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
8. On or about August 23, 2004, while employed as a Registered Nurse with Home Health Specialties, Arlington, Texas, Respondent lacked fitness to practice professional nursing in that Respondent exhibited impaired behavior while on duty, including, but not limited to, falling asleep during a procedure. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.



9. On or about August 27, 2004, while employed as a Registered Nurse with Home Health Specialties, Arlington, Texas, Respondent lacked fitness to practice professional nursing in that Respondent had the smell of alcohol on her breath while on duty. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. On or about November 13, 2004, while employed as a Registered Nurse with Home Health Specialties, Arlington, Texas, Respondent engaged in the intemperate use of Benzoyllecgonine, a Cocaine metabolite, in that she produced a specimen for a drug screen which resulted positive for Benzoyllecgonine. Possession of Benzoyllecgonine, a Cocaine metabolite, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzoyllecgonine, a Cocaine metabolite, by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. On or about April 19, 2006, while employed as a Registered Nurse with Trinity Dialysis, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that Respondent exhibited impaired behavior while on duty including, but not limited to, slurred speech, a flushed face, and being diaphoretic. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
12. Respondent gives November 23, 2004 as her date of sobriety.
13. In response to Finding of Fact Number Seven (7), Respondent states that she has no knowledge of any charge of misappropriation. In response to Finding of Fact Number Eight (8), Respondent does not deny that she may have fallen asleep while doing paperwork in the patient's home. Shortly after this, she was diagnosed with severe sleep apnea. In response to Finding of Fact Number Nine (9), Respondent denies consuming alcohol while working and states that she has severe dental problems with halitosis and smokes, and chews gum or has a mint before going into a patient's home.
14. In response to Finding of Fact Number Ten (10), Respondent states that following the positive drug screen of November 13, 2004, she requested TPAPN (Texas Peer Assistance Program for Nurses) intervention and voluntarily committed to in-patient rehabilitation on November 23, 2004 and upon discharge enrolled in the TPAPN. In response to Finding of Fact Number Eleven (11), Respondent states that the unit was kept very warm, 80-85 degrees, for patient comfort which resulted in her sweating and appearing to be on

something. Respondent underwent a urine drug screen sixteen (16) hours later which indicated negative results.

15. 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 a violations of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5),(6)(G)&(10)(A)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Professional License Number 629003, heretofore issued to LISA JOYCE WEINBERG, including revocation of Respondent's professional license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact

states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to LISA JOYCE WEINBERG, to the office of the Board of Nurse Examiners within ten (10) days from date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education

requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(3) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the RN and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(4) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27 day of Aug., 2007.

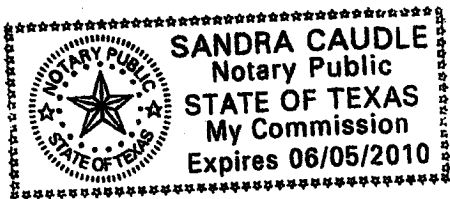
Lisa Joyce Weinberg  
LISA JOYCE WEINBERG, Respondent

Sworn to and subscribed before me this 27 day of August, 2007.

SEAL

Sandra Caudle

Notary Public in and for the State of Texas



Lisa J. Weinberg  
10100 Colony rd.  
Tolar, Tx. 76476  
817-781-0764  
[mandlweinberg@yahoo.com](mailto:mandlweinberg@yahoo.com)

03 June, 2009

Diane E. Burell, Investigator  
Board of Nurse Examiners State of Texas  
333 Guadalupe Street, Ste. 3-460  
Austin, Tx. 78701


re: RN #629003.

Dear Ms. Burell,

My understanding of the previous/current agreement between myself and the Board was that the voluntary suspension/inactivation of my license was without condition until such time as I might seek re-instatement. My understanding was that I had no need to attend any type of education course until such time. I have not sought re-instatement therefore saw no need to attend.

So in response to the "violation" outlined in your letter; I admit that I have not attended any Nursing CE in 2008 or 2009. If in the judgment of the Board this is unacceptable then please accept this letter as formal request and acknowledgement of surrender of Registered Nurse License #629003.

Sincerely and Respectfully,

  
Lisa J. Weinberg