



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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 Unknown
10/98 - 06/99	RN Case Manager	Huguley Home Health Granbury, TX
06/99 - 08/00	RN Case Manager	Community Care Granbury Granbury, TX
08/00 - 03/03	Director of Nursing	Community Care Granbury Granbury, TX
04/03 - 06/03	Branch Manager	Guardian Health Care Glen Rose, TX
06/03 - 11/04	RN Case Manager	Home Health Specialties Arlington, TX
12/04 - 09/05	Unknown	
10/05 - 04/06	RN	Trinity Dialysis 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.

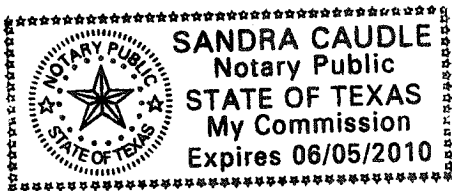
Lisa Joyce Weinberg
LISA JOYCE WEINBERG, Respondent

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

SEAL

Sandra Caudle

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 27th day of August, 2007, by LISA JOYCE WEINBERG, Registered Nurse License Number 629003, and said Order is final.

Effective this 18th day of October, 2007.



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