

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 549446
ISSUED TO
MARY KATHRYN WAMSER

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS



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.
Mary Kathryn Wamser
Executive Director of the Board

ORDER OF THE BOARD

TO: Mary Kathryn Wamser
PO Box 623
Wellington, KS 67152

During open meeting held in Austin, Texas, on Tuesday, June 12, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Board of Nurse Examiners 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 to practice professional 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 Eligibility and Disciplinary 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 § 213.2(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 Certificate Number 549446, previously issued to MARY KATHRYN WAMSER, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 549446, previously issued to MARY KATHRYN WAMSER, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of June, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of June, 2007 a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Mary Kathryn Wamser
PO Box 623
Wellington, KS 67152

BY: Katharine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License
Number 549446, Issued to
MARY KATHRYN WAMSER, Respondent

§ BEFORE THE BOARD
§ OF NURSE EXAMINERS
§ FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY KATHRYN WAMSER, is a Registered Nurse holding license number 549446, which is in Inactive 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 March 22, 2006, Respondent's license to practice registered nursing in the State of Oklahoma was SEVERELY REPRIMANDED by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, based on a Finding that:

- On or about October 26, 2005, while employed at St. Michael's Hospital, Oklahoma City, Oklahoma, Respondent altered documentation of another nurse or tech relating to the behavior of patient SP.

A copy of the Stipulation, Settlement and Order, dated March 22, 2006, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

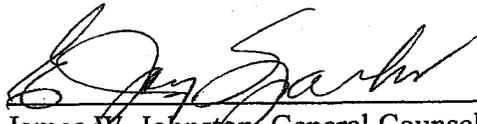
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Lying and Falsification which can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Oklahoma Board of Nursing Order, dated March 22, 2006.

Filed this 13th day of April, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305.8101 or (512)305-7401

Attachments: Oklahoma Board of Nursing Order, dated March 22, 2006

0999/D

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF MARY KATHRYN SCHULTZ WAMSER, RN
LICENSE NO. R0060821

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 8th day of March, 2006, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Respondent appears in person with counsel, ~~Laura Cross~~ MICHAEL McLAUGHLIN
LM

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0060821, issued by the Oklahoma Board of Nursing.
2. On or about October 26, 2005, while employed at St. Michael's Hospital, Oklahoma City, Oklahoma, Respondent altered documentation of another nurse or tech relating to the behavior of patient S.P.
3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remain in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within ninety (90) days from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within ninety (90) days from receipt of this Order, successfully complete a course on **Critical Thinking, to include moral reasoning**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet courses will not be approved. The target audience must include registered nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use critical thinking skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. Respondent shall, within one hundred twenty (120) days from receipt of this Order, successfully complete a course on **Nursing Documentation**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, or Internet courses will not be approved. The target audience must include registered nurses. The course must be a minimum of eight (8) hours in length. The course must contain content on the following: guidelines and processes for objective reporting and recording; legal guidelines for recording; methods of recording; methods of alternative record-keeping; computerized charting/documentation; and case studies with practical demonstration of documentation to be reviewed by a registered nurse for appropriateness. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

4. Within thirty (30) days from receipt of this Order, Respondent shall pay an administrative penalty to the Oklahoma Board of Nursing in the amount of \$500.00. The administrative penalty shall be paid only by certified check, money order or cash.

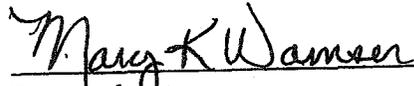
IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **severely reprimanded**.

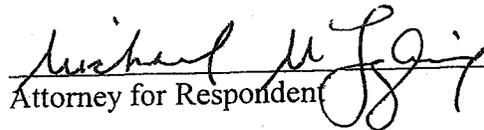
IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty or written documentation by the due date, including but not limited to educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. The

terms of the previous Order will be extended for three (3) months, as applicable. Administrative penalties for any such failure to comply shall be assessed and paid prior to reinstatement by certified check, money order, or cash pursuant to statute, 59 O.S. §567.8.I.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

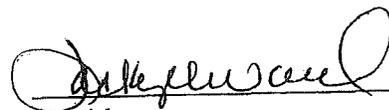
IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.


Respondent


Attorney for Respondent

Approved and ordered this 22nd day of March, 2006.

OKLAHOMA BOARD OF NURSING

By: 
President

DKB:tj