



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 461216 § AGREED
issued to LOUIS WAYNE BARTRUG § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LOUIS WAYNE BARTRUG, Registered Nurse License Number 461216, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 5, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 a Diploma from Cleveland Metropolitan General Hospital, Cleveland, Ohio, on May 30, 1967. Respondent received a Master's Degree in Nursing from the St. Joseph Hospital School of Anesthesia, Lancaster, Pennsylvania, on May 1, 1969. Respondent was licensed to practice professional nursing in the State of Texas on November 30, 1981. Respondent was authorized to practice as a Nurse Anesthetist on December 15, 1991.

5. Respondent's professional nursing employment history includes:

January 1998 - Current

Anesthetist
Unicorn Anesthesia Assoc. P.A.
Tampa, Florida

January 2004 - Current

Anesthetist
Ocala Regional Anesthesia, LLC
Ocala, Florida

6. On or about December 12, 2000, Respondent's license to practice professional nursing in the State of Florida was issued a STIPULATION by the State of Florida Board of Nursing, Tallahassee, Florida. A copy of the Stipulated Fact, Stipulated Law and Proposed Disposition dated September 17, 1999, and Final Order dated December 12, 2000, is attached and incorporated by reference as part of this Order.

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 of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 461216, heretofore issued to LOUIS WAYNE BARTRUG, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas

Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 the State of Texas.

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-sized license issued to LOUIS WAYNE BARTRUG to the office of the Texas Board of Nursing within ten (10) days of the 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder;

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.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

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 violation 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 when this Order becomes final and the terms of this Order become effective, 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 17 day of Sept, 2008.

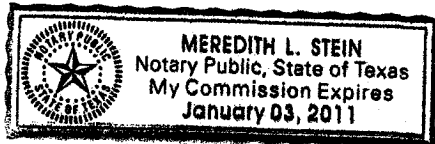
Louis Wayne Bartrug
LOUIS WAYNE BARTRUG, Respondent

Sworn to and subscribed before me this 17 day of September 2008.

SEAL

Meredith L. Stein

Notary Public in and for the State of Texas

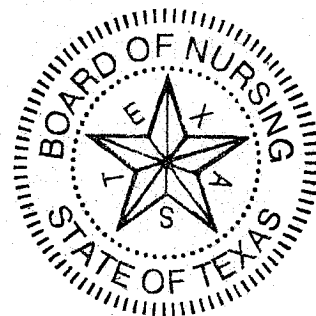



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 17th day of September, 2008, by WAYNE LOUIS BARTRUG, Registered Nurse License Number 461216, and said Order is final.

Effective this 26th day of September, 2008.



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



Final Order No. DON-00-2515-S-MOA
FILED DATE 12/29/00
Department of Health
By: 
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

HTM

DEPARTMENT OF HEALTH,
Petitioner,

Case No: 99-00210

vs.

LOUIS BARTRUG,
Respondent.

FINAL ORDER


Respondent LOUIS BARTRUG, holds Florida license number 55990-2 as a Registered Nurse. Petitioner filed an Administrative Complaint seeking disciplinary action against the license; a copy of that complaint is attached to and made part of this Final Order.

Petitioner and Respondent have stipulated to a disposition in this case; said Stipulation was presented to the Board of Nursing at a duly-noticed public meeting on December 7, 2000 in Tallahassee, FL. The Board concurs that this Stipulation is an appropriate settlement of the cause. The Stipulation is attached to and made part of this Final Order. It is therefore ORDERED that the Stipulation is adopted, and Respondent shall be governed accordingly.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 12th day of December, 2000.

BOARD OF NURSING


Cathy Ann Oles, LPN, B.P.S.
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail, return receipt requested to LOUIS BARTRUG, 14668 SE 1st Avenue, Summerfield, FL, 34491, , , and by interoffice mail to Reginald D. Dixon, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, FL 32317-4229 this _____ day of _____ 2000.

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Louis Bartrug, 14668 S.E. 1st Avenue Road, Summerfield, FL 34491, Louis Bartrug, 14668 S.E. 1st Avenue, Summerfield, FL 34491, and by interoffice mail to Reginald D. Dixon, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, FL 32317-4229, this _____ day of _____, 2000.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
BOARD OF NURSING,

Petitioner,

vs.

LOUIS BARTRUG,

CASE NO. 99-00210

Respondent.

STIPULATION

Pursuant to Section 120.57(4), Florida Statutes, the aforementioned parties hereby offer this Stipulation to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Board and filed. However, the Respondent agrees not to withdraw from or in any manner revoke or repudiate the terms of this Settlement Stipulation prior to the time of its presentation and full consideration by the Board. Should the Respondent withdraw from or in any manner repudiate or revoke the terms of this Settlement Stipulation prior to its presentation and/or full consideration by the Board, Respondent agrees to waive all rights he/she may have to seek attorney's fees and costs incurred as the result of this disciplinary proceeding up to and including the date of his/her withdrawal from this Settlement Stipulation or the date of his/her attempt to repudiate or revoke the terms of this Settlement Stipulation. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. For all times pertinent herein, Respondent was a LICENSED REGISTERED NURSE in the State of Florida having been issued licensed license number RN 55990-2.
2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon Respondent with variations of Chapters 455 and 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.
3. Respondent admits the factual allegations contained in the Administrative Complaint for the purposes of settlement in these administrative proceedings only.

STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 455 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.
2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.
3. Respondent admits that the Stipulation is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The license of the Respondent shall be reprimanded by the Board of Nursing.
2. The Board of Nursing shall impose an administrative fine of \$500 dollars against the license of the Respondent. The Respondent must also pay the administrative costs associated with the investigation of this matter. The fine and costs are to be paid by the Respondent to the Executive Director of the Board of Nursing, within sixty (60) days of the filing of a Final Order accepting and incorporating this Stipulation. If the Respondent is in the Intervention Project for Nurses (IPN), the payment is due prior to completion of IPN. If the Respondent's license is suspended by the terms of this stipulation, the payment is due prior to the application for reinstatement of the license. The Respondent has the

responsibility to document financial hardship prior to the due date of the payment. Payment must be by money order. Partial payments shall not be accepted.

3. The Respondent shall not violate Chapter 455 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Stipulation.

4. The license of LOUIS BARTRUG is placed on probation for SIX (6) MONTHS subject to the following conditions:

- a. The Respondent shall not violate Chapter 455 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Stipulation.
- b. The Respondent must report any change in his/her address, telephone number, employment, employer's address or telephone number, or any arrests [or violations of probation or whatever impediment which may be on the license from another jurisdiction], in writing by certified mail within five (5) working days to the Probation Supervisor at the Board of Nursing.
- c. The Respondent shall submit written reports to the Probation Supervisor at the Board of Nursing office, which contain the Respondent's license number, current address, her/his current employer, employer's address and employer's phone number, whether employed as a nurse or not, and a statement by the Respondent describing his/her employment. This report shall be submitted to the Probation Supervisor every three (3) months in a manner as directed by the Probation Supervisor.
- d. All current and future settings in which the Respondent practices nursing shall be promptly informed of the Respondent's probationary status. Within five (5) days of the

receipt of the Order adopting this Stipulation, the Respondent shall furnish a copy to his/her nursing supervisor or supervisors, if there are multiple employers. The supervisor(s) must acknowledge this probation to the Board probation supervisor in writing on employer letterhead within ten (10) days. Should the Respondent change employers, he/she must supply a copy of the Order adopting this Stipulation to his/her supervisor within five (5) days. The new employer shall acknowledge the probation in writing on employer letterhead to the Board probation supervisor within ten (10) days. The Respondent shall be responsible for assuring reports from the nursing supervisors will be furnished to the Board probation supervisor every three (3) months. That report shall describe the Respondent's work assignment, work load, level of performance, and any problems which have occurred during that quarter. Any report indicating an unprofessional level of performance shall constitute a violation of this probation.

Should the Respondent desire to return to school to attend a nursing program, the Respondent shall provide a copy of the Board Order adopting this Stipulation to the Program Director prior to beginning class. The Program Director must inform the Board in writing on school letterhead, acknowledging receipt of a copy of the Board Order adopting this Stipulation. If the school is willing to comply with the Respondent's conditions of probation during clinical experiences, that should be specified. Otherwise the probation shall be tolled. Any requests for modification or accommodation by the school or the Respondent shall be considered on an individual basis by the Board.

- e. The Respondent shall enroll in and successfully complete the following course(s): **LEGAL ASPECTS OF NURSING**. This/These shall be in addition to continuing education courses required for biennial renewal of licensure. Verification of course content and course completion must be submitted to the Probation Supervisor prior to termination of the probation. If a course is not available, the Board office should be

promptly contacted for approval of a preceptorship training at the Respondent's place of employment.

- f. If the Respondent leaves Florida for thirty (30) days or more or ceases to practice nursing in Florida for thirty (30) days or more, his/her probation shall be tolled until the Respondent returns to active practice of nursing in Florida. **THE REQUIREMENTS FOR FINE PAYMENT AND COURSES (IF ANY) ARE NOT TOLLED BY THIS PROVISION.**

5. Failure to adhere to the above-referenced conditions shall result in a Uniform Complaint Form being filed by the Board with the Department of Health against the Respondent's license, which may result in an additional administrative fine, extension of probation, and/or suspension being imposed against the Respondent's license.

6. It is expressly understood that this Stipulation is subject to the approval of the Board and Agency and has no force and effect until an Order is entered adopting the Stipulation.

7. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. 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 the 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. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

8. Respondent and the Agency fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Agency against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Stipulation relates solely to the current disciplinary proceedings arising

from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Agency, including but not limited to the Agency's Medicaid Program Integrity Office.

9. The Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this disciplinary proceeding.

10. Respondent waives all rights to appeal and further review of this Stipulation and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

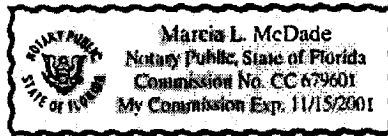
SIGNED this 9 day of November, 1999.

Louis Bartrug
LOUIS BARTRUG

Before me personally appeared Louis Bartrug whose identity is known to be by Personally Known (type of identification), and who under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 9 day of November, 1999.

Marcia L. McDade
Notary Public
My Commission Expires:



APPROVED this 26th day of October, 1999.

Robert G. Brooks, MD
Secretary, Department of Health

Nancy M. Snurkowski
By: Nancy M. Snurkowski
On Behalf of the Agency
For Health Care Administration

Counsel for Petitioner:
C.J. Steinhaus, Staff Attorney
FBN: 0147966
Agency for Health Care Administration
General Counsel's Office - MQA
Allied Health
2727 Mahan Drive
Tallahassee, Florida 32308
(850) 414-8576

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH

PETITIONER,

vs.

CASE NUMBER: RN 99-00210

LOUIS W. BARTRUG, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Nursing, against LOUIS W. BARTRUG, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 464, Florida Statutes. Pursuant to the authority of Section 20.43(3)(g), Florida Statutes, Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is, and has been at all times material hereto, a licensed registered nurse in the State of Florida, having been issued license number 55990-2. Respondent's last known address is 14668 SE 1st Avenue Road, Summerfield, Florida 34491.

3. At all times material to the events described in this complaint, Respondent was a certified registered nurse anesthetist and a practicing nurse anesthetist. On about February 28, 1998, Respondent accepted a work assignment at the Eye-Day Surgery Center, which is affiliated with the

Ocala Regional Medical Center. On that day Respondent was to provide anesthesia in four (4) surgical cases for surgeon Cynthia Harding, M.D. One of those cases involved patient J.W.

4. Respondent provided anesthesia to J.W. Before the surgery was complete, Respondent agreed to leave J.W. to be monitored by a nurse while he went to another area to prepare another patient for surgery. While Respondent was absent from the operating room, J.W. became cyanotic and suffered a cardiac arrest. Although Respondent subsequently resuscitated J.W., the patient never regained consciousness and subsequently expired.

5. Minimal standards of acceptable and prevailing nursing practice obligate a nurse anesthetist to remain with a patient until the completion of surgery and the termination of anesthesia. Respondent departed from the minimal standard of acceptable and prevailing nursing practice by leaving his anesthetized patient to be monitored by a nurse without training or experience as a nurse anesthetist.

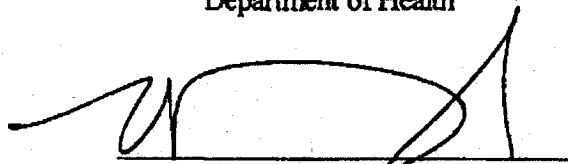
6. Respondent has violated section 464.018(1)(h) of the Florida Statutes, and administrative rules promulgated thereunder, which prohibit unprofessional conduct, including any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing nursing practice.

WHEREFORE, Petitioner respectfully requests the Board of Nursing to enter an order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand,

placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 21st day of September, 1999.

Robert G. Brooks, M.D.
Secretary
Department of Health



BY: Nancy M. Snurkowski
Chief Attorney on behalf of
Agency for Health Care
Administration

COUNSEL FOR PETITIONER:

Samantha D. Boge
Contract Counsel
Agency for Health Care
Administration
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Palmer Building
Tallahassee, Florida 32308
(850) 487-9694

PCP: ALCO

DATE: 8/27/99

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Stephanie Q. Dier
DATE 9-21-99