

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 A. Plummer*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 501324     §     AGREED  
issued to GAY LYN WEIGELT                 §     ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 501324, issued to GAY LYN WEIGELT, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference 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 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 Baccalaureate Degree in Nursing from The University of Texas, Houston, Texas, in December 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional employment history includes:
 

1/82 - 4/82	Graduate Nurse Texas Children's Hospital Houston, Texas
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Respondent's professional employment history continued:

9/82 - 4/83	Staff Nurse Texas Children's Hospital Houston, Texas
6/83 - 8/83	Staff Nurse II/Children's 4-North The University of Texas Medical Branch Galveston, Texas
8/83 - 11/87	Staff Nurse II/Pediatric Intensive Care Unit The University of Texas Medical Branch Galveston, Texas
11/87 - 8/92	Staff Nurse II/Children's 5-North The University of Texas Medical Branch Galveston, Texas
8/92 - 12/93	Staff Nurse III/Children's 6-North The University of Texas Medical Branch Galveston, Texas
12/93 - 12/97	Nurse Clinician III/Children's 6-North The University of Texas Medical Branch Galveston, Texas
12/97 - 8/99	Nurse Clinician III/staffing The University of Texas Medical Branch Galveston, Texas
8/99 - 5/00	Staff Nurse/Obstetrics and Gynecology Clinic The University of Texas Medical Branch Galveston, Texas
5/01- 1/02	Staff Nurse/NICU Clear Lake Regional Medical Center Webster, Texas

6. On June 25, 1985, Respondent's license to practice professional nursing was issued a Reprimand with Stipulations, by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated June 25, 1985, is attached and incorporated by reference as part of this Order.

7. On November 17, 1987, Respondent's license to practice professional nursing was Suspended for two (2) years, with said suspension probated for four (4) years, by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated November 17, 1987, is attached and incorporated by reference as part of this Order.
8. On April 18, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 18, 2001, is attached and incorporated by reference as part of this Order.
9. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Neonatal Intensive Care Unit with Clear Lake Regional Medical Center, Webster, Texas and had been in this position for approximately eight (8) months.
10. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, failed to comply with the Agreed Order issued by the Board of Nurse Examiners for the State of Texas on April 18, 2001. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN contract.
11. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, withdrew Fentanyl from the pyxis for patients who had no physician's order for the medication. Respondent also failed to document the administration of Fentanyl in these patients' medical records, as follows:

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/1/02	3:23	<b>G00090716438</b>	No Order for Fentanyl	Fentanyl 2 ml	No
1/1/02	6:13	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	8:59	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	11:41	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	1:46	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	3:26	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/3/02	11:25	<b>G00090714496</b>	Fentanyl order discontinued on 12/29/01	Fentanyl 2 ml	No
1/3/02	1:06	same	same	Fentanyl 2 ml	No
1/3/02	1:56	same	same	Fentanyl 2 ml	No
1/3/02	3:33	same	same	Fentanyl 2 ml	No
1/3/02	5:30	same	same	Fentanyl 2 ml	No

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/6/02	4:40	<b>G00090714496</b>	same	Fentanyl 2 ml	No
1/6/02	6:07	same	same	Fentanyl 2 ml	No
1/3/02	6:04	<b>G00090718194</b>	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	7:32	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	9:56	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	1:07	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	3:37	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	6:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	7:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	8:26	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	10:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	12:23	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	2:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	7:15	<b>G00090718888</b>	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	8:48	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	10:49	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	12:32	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	1:27	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	3:09	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	4:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	4:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/6/02	6:48	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	5:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	5:23	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	8:20	<b>G00090716531</b>	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	11:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	4:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	7:21	same	No order for Fentanyl	Fentanyl 2 ml	No

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/11/02	4:11	G00090716531	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	10:50	G00090722167	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	1:56	same	No order for Fentanyl	Fentanyl 2 ml	No

Respondent admits that she took the Fentanyl for her personal use and did not administer the medication without a physician's order. Respondent's conduct defrauded the patients and the facility of the cost of the medication.

12. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, misappropriated Fentanyl belonging to the facility and the patients thereof. Respondent's conduct defrauded the patients and the facility of the cost of the medication.
13. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, engaged in the intemperate use of Fentanyl. Possession of Fentanyl is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Fentanyl by a Registered 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.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
15. 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.
16. 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.

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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)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), & (19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 501324, heretofore issued to GAY LYN WEIGELT, including revocation of Respondent's professional 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 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 501324, heretofore issued to GAY LYN WEIGELT, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to GAY LYN WEIGELT, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" 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.
3. 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.
4. 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 professional 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 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 30 day of October, 2002.

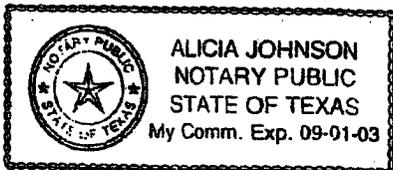
Gay L. Weigelt  
GAY LYN WEIGELT, Respondent

Sworn to and subscribed before me this 30 day of OCTOBER, 2002.

NOTARIZING GAY LYNN WEIGELT  
SIGNATURE ONLY.

Alicia Johnson

SEAL



Notary Public in and for the State of TEXAS

Approved as to form ~~and substance~~ :

Christopher Lowman

Christopher Lowman, Attorney for Respondent

Signed this 31<sup>st</sup> day of October, 2002.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 501324, previously issued to GAY LYN WEIGELT.

Effective this 7<sup>th</sup> day of November, 2002.



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 License Number 501324 § AGREED  
issued to GAY LYN WEIGELT § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of GAY LYN WEIGELT, License Number 501324, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(8), Revised Civil Statutes of Texas, as amended. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on March 23, 2001, 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 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 Baccalaureate Degree in Nursing from The University of Texas, Houston, Texas, in December 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's complete professional employment history is unknown.
6. On June 25, 1985, Respondent's license to practice professional nursing was issued a Reprimand with Stipulations, by the Board of Nurse Examiners for the State of Texas. A copy of the Order of the Board dated June 25, 1985, is attached and incorporated by reference as part of this Order.

7. On November 17, 1987, Respondent's license to practice professional nursing was Suspended for two (2) years, with said suspension probated for four (4) years, by the Board of Nurse Examiners for the State of Texas. A copy of the Order of the Board dated November 17, 1987, is attached and incorporated by reference as part of this Order.
8. Respondent, while employed with The University of Texas Medical Branch at Galveston, Galveston, Texas, on or about February 12, 1999, engaged in the intemperate use of Alcohol, in that Respondent reported to duty with the odor of alcohol on her breath and she admitted to her supervisor that she drank Alcohol prior to coming on duty. The use of Alcohol by a Registered 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.
9. Respondent, while employed with the aforementioned facility, on or about June 7, 1999, engaged in the intemperate use of Alcohol in that Respondent produced a specimen for a drug screen which resulted positive for Alcohol. The use of Alcohol by a Registered 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.
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
11. 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.
12. Respondent's conduct described in Findings Number eight (8) and nine (9) resulted from Respondent's impairment by dependency on chemicals.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 Article 4525(b)(8), TEX. REV. CIV. STAT. ANN.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 501324, heretofore issued to GAY LYN WEIGELT, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.
- (2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.
- (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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 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, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 11 day of April, 2001.

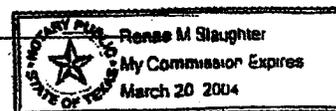
Gay L Weigelt  
GAY LYN WEIGELT, Respondent

Sworn to and subscribed before me this 11<sup>th</sup> day of April, 2001.

SEAL

Renee M. Slaughter

Notary Public in and for the State of



Approved as to form and substance.

David A. Slaughter  
David A. Slaughter, Attorney for Respondent

Signed this 11<sup>th</sup> day of April, 2001.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 11<sup>th</sup> day of April, 2001, by GAY LYN WEIGELT, License Number 501324, and said Order is final.

Entered and effective this 18<sup>th</sup> day of April, 2001.



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 Permanent Certificate §  
Number 501324 issued to §  
GAY LYN WEIGELT §

ORDER OF THE BOARD

TO: Gay Lyn Weigelt  
P. O. Box 5361  
Galveston, Texas 77554

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting, having set a hearing to be held on November 17, 1987, to determine whether cause exists under Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend or revoke license number 501324, heretofore issued to GAY LYN WEIGELT, pursuant to Texas law, which hearing was held on November 17, 1987, pursuant to applicable Texas law.

At the hearing, Mrs. Pauline Barnes, R.N., President of the Board, presided and the following members were present:

Dr. Lynn C. Besselman                      Dr. Jean Pryor, R.N.  
Mrs. Mary Virginia Jacobs, R.N.        Mrs. A. Joanna Seamans, R.N.

The Board of Nurse Examiners for the State of Texas was represented by Philip Maxwell, counsel to the Board. Respondent was present but not represented by counsel, although having been notified of her rights regarding same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That Sworn Complaint was filed with the Board of Nurse Examiners for the State of Texas in accordance with law.
2. That Notice of Hearing and Complaint were served upon GAY LYN WEIGELT in accordance with law.

3. GAY LYN WEIGELT, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
4. Respondent, while employed with The University of Texas Medical Branch, Galveston, Texas, during the months of June, 1987, and July, 1987, appropriated demerol and valium, without authorization, belonging to the aforementioned facility and/or to the patients thereof.

The above action is in violation of §217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, which prohibits:

"Appropriating, in connection with the practice of nursing, medications, supplies, equipment, or personal items of the patient/client, employer, or any other person or entity."

5. Respondent, while employed with the aforementioned facility engaged in the intemperate use of demerol and valium during the months of June, 1987, and July, 1987.

The above action constitutes the intemperate use of drugs, in violation of Article 4525 (a) (8), Revised Civil Statutes of Texas, as amended.

The aforementioned action and conduct constitutes unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud or injure patients or the public, in violation of Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended.

#### CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board of Nurse Examiners for the State of Texas has jurisdiction over this matter.
2. That the evidence received was conclusive to prove unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud, or injure patients and the public.
3. That the activities of the nurse in question constituted sufficient cause pursuant to Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend license number 501324, heretofore issued to GAY LYN WEIGELT, to practice professional nursing in Texas.

ORDER

NOW, THEREFORE, IT IS ORDERED that license number 501324, heretofore issued to GAY LYN WEIGELT to practice professional nursing in the State of Texas be and the same is hereby suspended for a period of two (2) years and said license upon receipt of this Order be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas until such time as she secures employment as a professional nurse.

IT IS FURTHER ORDERED that upon receipt of the notification of employment form in the office of the Board of Nurse Examiners for the State of Texas the suspension be probated for a minimum period of four (4) years with the following stipulations:

(1) Respondent must return her current certificate of re-registration (wallet-size) to the office of the Board of Nurse Examiners for the State of Texas immediately for appropriate notation.

(2) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulations on his/her license by presenting a copy of this order to each potential employer. When employment is obtained, Respondent must cause the employer to submit the notification of employment form to the Board office.

(3) That when she finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of GAY LYN WEIGELT will be reissued.

(4) That during her employment as a professional nurse, each employer of GAY LYN WEIGELT submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such

reports are due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum period of four (4) years from the date of employment. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(5) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised. The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency.

(6) Respondent may not practice as a professional nurse in any critical care area(s) for a minimum period of four (4) years. Critical care areas are identified as any intensive care unit, emergency room, operating room and recovery room.

(7) Respondent may not practice as a professional nurse on the night shift for a minimum period of one (1) year.

(8) Respondent may not administer or have any contact with controlled substances and/or any mood altering substances for a minimum period of one (1) year.

(9) Respondent shall completely abstain from the consumption or injection of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by the prescribing physician or dentist, a report identifying the medication and dosage. Respondent shall submit to random periodic screens for controlled substances and alcohol at least once every week, for a minimum period of three (3) months. If all of the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every month for a

minimum period of three (3) months. If all the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every three (3) months for the duration of the probation period. All screens shall be properly monitored and administered by Respondent's employer and personally observed by this individual or a trusted member of his/her staff. Respondent shall have written reports from the employer sent to the Board of Nurse Examiners concerning the results of the random periodic screens. If any sample tests positive for alcohol, narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from a physician or dentist, they shall report the findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(10) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(11) Respondent shall participate in therapy and written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing shall be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports are to be furnished each and every month for a minimum period of three (3) months. If all of the aforementioned reports are acceptable, then the reports shall be required at the end of each three (3) months for the duration of the probation period, or until dismissed from therapy.

(12) Respondent shall provide evidence of attendance of at least two (2) support group meetings per week. The weekly meetings shall consist of (a) a minimum of one (1) impaired nurse support group and (b) another local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners, on forms provided by the Board, at the end of each three (3) months for a minimum period of four (4) years.

(13) That, GAY LYN WEIGELT shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

IT IS FURTHER ORDERED that any failure by GAY LYN WEIGELT to comply in all respects with any provision of the Revised Civil Statutes of Texas, as amended, with any provision of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, or any provision of the terms of probation or suspension of license number 501324, shall constitute cause for rescission of the probation ordered herein.

IT IS FURTHER ORDERED that, should the probation of the suspension of license number 501324, issued to GAY LYN WEIGELT to practice professional nursing in the State of Texas be rescinded, the nurse shall not be eligible for reissuance of a license to practice professional nursing in the State of Texas for two (2) years from the date of the Order of rescission of the probation.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare required immediate effect of this Order and the same shall be effective on the date herein below rendered and the same may not be stayed except on proper application to a District Court in accordance with Article 4525c, Revised Civil Statutes of Texas, as amended.

Entered this 17th day of November, 1987.

Certificate to Order of Board  
In the Matter of Permanent  
Certificate No. 501324  
Issued to GAY LYN WEIGELT

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 17th day of November, 1987.

Charles Barnes, R.N.  
President

May Virginia Jacob, R.N.

A. James Edwards, R.N.

Jean Pryor, R.N.

Lyone C. Besakman, Ph.D.

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
\*\*\*\*\*

In the Matter of Permanent Certificate |  
Number 501324 issued to |  
GAY L. POFFINBARGER |

ORDER OF THE BOARD

TO: Gay L. Poffinbarger  
3222 69th St. #106  
Galveston, Texas 77551

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the 25th day of June, 1985, considered the conduct of GAY L. POFFINBARGER, Permanent Certificate Number 501324.

At the meeting, Dr. Jean Pryor, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Mrs. Mary Elizabeth Jackson
Mrs. Karen G. Barnes-Cure, R.N.	Mrs. Mary Virginia Jacobs, R.N.
Mrs. Marlene Hudgins, R.N.	Dr. Ruby Morris

Following receipt of information, GAY L. POFFINBARGER agreed to a Consent to Board Order from the Board of Nurse Examiners. Respondent was not present at the Board of Nurse Examiners scheduled Hearing but did appear at a Hearing before the Hearing Officer. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. GAY L. POFFINBARGER, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
2. Respondent, while employed with The University of Texas Medical Branch, Galveston, Texas, appropriated Demerol 50 mgs., without authorization, belonging to the aforementioned facility and/or to the patients thereof, on or about September 22, 1984.

3. Respondent did not deprive patients of their medications.
4. Respondent entered the inpatient therapy program at The University of Texas Medical Branch, Galveston, Texas, on October 15, 1984, and completed said program on November 16, 1984.
5. Respondent continues her employment with The University of Texas Medical Branch, Galveston, Texas.
6. Respondent attends Group Aftercare and Narcotics Anonymous on a weekly basis.
7. Respondent has produced nine (9) negative screens for controlled substances, to date.
8. Respondent desires to continue her career in professional nursing.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of applicable Texas law, the aforementioned action and conduct, in the opinion of the Board, constitutes unprofessional conduct.

#### ORDER

In View Of The Findings Of Fact, it is hereby ordered that GAY L. POFFINBARGER, license number 501324, be issued a reprimand.

IT IS FURTHER ORDERED that license number 501324, be subject to the following stipulations:

(1) Respondent shall notify each potential employer in professional nursing of this Order of the Board and the stipulations on his/her license as stated herein by presenting a copy of said order to each potential employer. If employment is obtained, the employer must notify the Office of the Board of Nurse Examiners in writing that they are aware of the specific stipulations placed on said license.

(2) That during her employment as a professional nurse, each employer of GAY L. POFFINBARGER submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such reports due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum of eighteen (18) months from the date of employment.

(3) That, if the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(4) Respondent may not be employed by a Nurse Registry/temporary nurse employment agency.

(5) That written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports to be furnished each and every three months for a minimum of eighteen (18) months, or until dismissed from therapy.

(6) Respondent shall submit to random periodic screens for controlled substances at least once every three (3) months, for a minimum period of eighteen (18) months, properly monitored and administered by Respondent's employer or counselor and personally observed by said individual or a trusted member of his/her staff. Respondent shall cause written reports from said employer or counselor to be sent to the Board of Nurse Examiners on a quarterly basis after the commencement of Respondent's probation, concerning the results of said random periodic screens, except that if any sample tests positive for narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from her physician, they shall report such findings to the Board of Nurse Examiners immediately. Expenses encumbered by said screens shall be borne by Respondent.

(7) The probation period can be served only while respondent is employed in a capacity for which her nursing license is required and subject to board approval.

(8) The Board of Nurse Examiners for the State of Texas shall review and evaluate the practice of professional nursing by Respondent at the end of the probation period. It is hereby understood that after said evaluation, the Board of Nurse Examiners may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(9) That, GAY L. POFFINBARGER shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

The Board admonishes the Respondent that the prime objective of the nursing profession is to render service to humanity and, whoever chooses this profession, assumes the obligation to conduct themselves in accordance with nursing standards as well as the obligation to the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, that an imminent peril to the public health, safety, or welfare requires immediate effect to this Order and the same shall be effective on the date herein below rendered.

Entered this the 25th day of June, 1985.

(7) The probation period can be served only while respondent is employed in a capacity for which her nursing license is required and subject to board approval.

(8) The Board of Nurse Examiners for the State of Texas shall review and evaluate the practice of professional nursing by Respondent at the end of the probation period. It is hereby understood that after said evaluation, the Board of Nurse Examiners may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(9) That, GAY L. POFFINBARGER shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

The Board admonishes the Respondent that the prime objective of the nursing profession is to render service to humanity and, whoever chooses this profession, assumes the obligation to conduct themselves in accordance with nursing standards as well as the obligation to the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, that an imminent peril to the public health, safety, or welfare requires immediate effect to this Order and the same shall be effective on the date herein below rendered.

Entered this the 25th day of June, 1985,

Certificate to Order of Board.  
In the matter of Permanent  
Certificate No. 501324  
Issued to GAY L. POFFINBARGER

The aforementioned Findings of Fact, Conclusions of Law and  
Order of the Board represent a final decision or Order duly made by the  
Board of Nurse Examiners in and for the State of Texas this the 25th  
day of June, 1985.

Jean Pryor, R.N.  
President

Ruby Marshall

Marilyn Hudgens, R.N. Ann J. Brown-Cox, R.N.

Pauline Barnes, R.N.

Marie Virginia Jacobs, R.N.

Mary Elizabeth  
Dackow