



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 License Number 236518                   §           AGREED  
issued to CHERYL ANN WIRTH                                           §           ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CHERYL ANN WIRTH, Registered Nurse License Number 236518, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on June 8, 2007, 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 Texas Woman's University, Denton, Texas, on May 1, 1976; received a Certificate as a Clinical Nurse Specialist in Medical Surgical Nursing from Texas Woman's University, Denton, Texas, on December 19, 1987; and received a Certificate as a Family Nurse Practitioner from Texas Woman's University, Denton, Texas, on December 15, 1996. Respondent was licensed to practice professional nursing in the State of Texas in May 1976; became Board recognized as a Clinical Nurse Specialist in Medical-Surgical Nursing on January 9, 1997; became Board recognized with Prescriptive Authority as a Clinical Nurse Specialist in Medical-Surgical Nursing on February 1, 1997; became Board recognized as a Family Nurse Practitioner on March 19, 1997; and became Board recognized with Prescriptive Authority as a Family Nurse Practitioner on May 8, 2006.

5. Respondent's professional nursing employment history includes:

5/76 - 4/77	Staff Nurse Urology Unit	MD Anderson Hospital and Tumor Institute Houston, Texas
5/77 - 8/81	Charge Nurse Medical Unit	Houston Northwest Medical Center Houston, Texas
9/81 - 12/83	Instructor	North Harris Community College Houston, Texas
1/84 - 2/84	Unknown	
3/84 - 12/88	Clinical Instructor	MD Anderson Hospital and Tumor Institute Houston, Texas
1/89 - 4/89	Instructor Critical Care	North Harris Community College Houston, Texas
1/89 - 12/89	Clinical Nurse Specialist Medical/ Surgical	Montgomery County Hospital District Conroe, Texas
3/89 - 1/90	Clinical Instructor	MD Anderson Cancer Center Houston, Texas
2/90 - 7/93	Education Coordinator Nursing	Houston Northwest Medical Center Houston, Texas
8/93 - 7/94	Program Director and Clinical Instructor	North Harris College Houston, Texas
8/94 - 5/97	Clinical Instructor	Tomball College Tomball, Texas
4/96 - 10/02	Family Nurse Practitioner	Dr. Randall Walker Magnolia, Texas
11/02 - Present	Family Nurse Practitioner	Magnolia Healthcare Center Magnolia, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Family Nurse Practitioner with Magnolia Healthcare Center, Magnolia, Texas, and had been in this position for three (3) years and two (2) months.

7. On or about January 17, 2006, through February 9, 2006, while employed with Magnolia Health Care Center, Magnolia, Texas, Respondent exceeded her Board authorized scope of Medical-Surgical Prescriptive Authority by prescribing medications to pediatric patients. Respondent's conduct deceived her employer, her patients and the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.
8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that she "attempted in good faith to procure the proper certification for this prescriptive authority, and she reasonably believed she had obtained such authority prior to the incidents in question." Furthermore, when Respondent received notification from the Board of the investigation on April 28, 2006, she immediately applied for the proper prescriptive authority.

#### 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(4)(A)&(4)(B), 217.12(1)(B)&(4), 222.2(a)(2) & 222.4(a).
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 236518, heretofore issued to CHERYL ANN WIRTH, 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 Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, 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 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 CHERYL ANN WIRTH to the office of the Board of Nurse Examiners 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 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/stipseourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

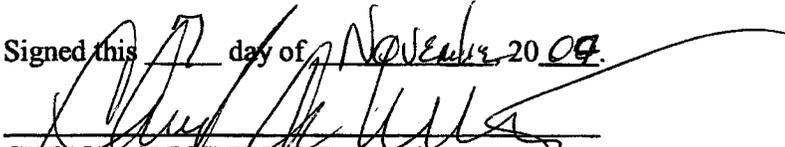
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

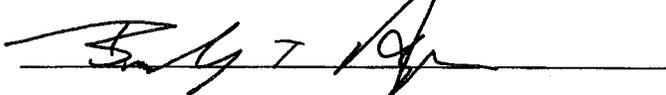
RESPONDENT'S CERTIFICATION

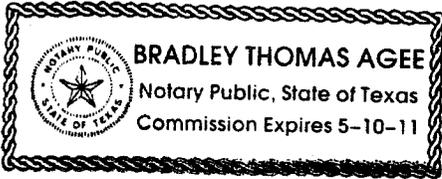
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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.

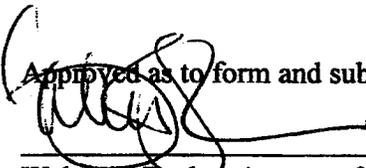
Signed this 7 day of November, 2007.  
  
\_\_\_\_\_  
CHERYL ANN WIRTH, Respondent

Sworn to and subscribed before me this 7 day of November, 2007.

SEAL

  
\_\_\_\_\_  
Notary Public in and for the State of TX



Approved as to form and substance.  
  
\_\_\_\_\_  
Walter L. Taylor, Attorney for Respondent

Signed this 6<sup>th</sup> day of November, 2007

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 7th day of November, 2007, by CHERYL ANN WIRTH, Registered Nurse License Number 236518, and said Order is final.

Effective this 16<sup>th</sup> day of November, 2007.



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