



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 167443 §
issued to GARY BRANDON WHEELER § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 167443, issued to GARY BRANDON WHEELER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Delta Career Institute, Beaumont, Texas on April 8, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on May 13, 1998.
5. Respondent's vocational nursing employment history includes:

05/98 - 05/99	LVN	Beaumont Regional Medical Center Beaumont, Texas
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Respondent's vocational nursing employment history continued:

05/99 - 04/00	LVN	Tyler County Hospital Woodville, Texas
04/00 - 09/07	LVN	Southeast Texas Medical Associates Beaumont, Texas
09/07 - 03/08	LVN	Hardin County health Department Kountze, Texas
04/08 - 03/10	not employed in nursing	
04/10 - 06/11	LVN	Silsbee Family Medicine Silsbee, Texas
07/11 - Present	not employed in nursing	

6. On or about May 9, 2011, while employed with Silsbee Family Medicine, Silsbee, Texas, Respondent passed a fraudulent and unauthorized telephonically communicated prescription for Norco to Life Check Drugs, Kountze, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Norco through use of a fraudulent and unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
7. On or about May 19, 2011, while employed with Silsbee Family Medicine, Silsbee, Texas, Respondent passed a fraudulent and unauthorized telephonically communicated prescription for Norco to Brookshire Brothers Pharmacy, Silsbee, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Norco through use of a fraudulent and unauthorized telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. Regarding the conduct outlined in Findings of Fact Numbers Six (6) and Seven (7), Respondent states that he was being treated with anti-anxiety medications and taking them twice a day as prescribed. He states that he didn't realize until after the incidents and being released from his job that he had been having adverse effects from the medication and had been losing days of memory at a time. He has since stopped any and all medications but can't recall any details of the incident. He states that he is not working in nursing due to the shame he has brought upon himself and hopes to one day work through the shame and return to a nursing career.
9. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

10. 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.
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.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 167443, heretofore issued to GARY BRANDON WHEELER, including revocation of Respondent's license(s) 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 301.453(d), 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 Vocational Nurse License Number 167443, heretofore issued to GARY BRANDON WHEELER, to practice nursing in the State of Texas, is accepted by the Texas Board

of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

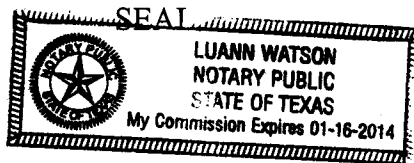
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 21 day of September, 2011.

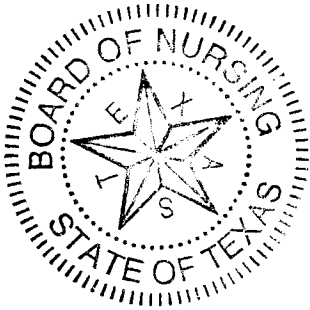
Gary Brandon Wheeler
GARY BRANDON WHEELER, Respondent

Sworn to and subscribed before me this 21 day of September, 2011.



Luann Watson
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 accept the voluntary surrender of Vocational Nurse License Number 167443, previously issued to GARY BRANDON WHEELER.



Effective this 23rd day of September, 2011.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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