

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 809814
ISSUED TO
WESLEY ANDERSON

§ BEFORE THE TEXAS BOARD
§ OF NURSING ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE
§



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

ORDER OF THE BOARD

TO: Wesley Anderson
609 S. Ohio Avenue
Weslaco, TX 78596

On this day, the Texas Board of Nursing, hereinafter referred to as the "Board", considered the Staff's Motion for Rehearing filed in the above-styled matter. The Eligibility and Disciplinary Committee of the Board mistakenly approved an order on November 13, 2012, revoking registered nurse license number 809814 issued to Wesley Anderson. Staff filed a Motion for Rehearing and, after review and due consideration of the filed Motion, the Executive Director of the Board **GRANTS** Staff's Motion for Rehearing. The Default Order issued November 13, 2012, revoking registered nurse license number 809814, is set aside.

Entered this 14th day of November, 2012.

TEXAS BOARD OF NURSING

Katherine A. Thomas

BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 809814 §
issued to WESLEY ANDERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of WESLEY ANDERSON, Registered Nurse License Number 809814, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree from South Texas Community College, McAllen, Texas on October 5, 2011. Respondent was licensed to practice professional nursing in the State of Texas on October 27, 2011.
5. Respondent's professional nursing employment history includes:

10/2011 - Present Home Health Nurse Spectrum Health Care Services Donna, Texas

6. At the time of the initial incident, Respondent was employed as a home health nurse with Spectrum Care Services, Weslaco, Texas and had been in this position for one (1) year.
7. On or about October 1, 2012, Respondent pled guilty to "Sexual Assault of a Child," a 2nd Degree Felony (committed on or about December 6, 2011), in the 332nd Judicial District Court of Hidalgo County, Texas, under Cause Number CR-2863-12, and required to register as a sex offender under Ch. 62, Texas Code of Criminal Procedure. An adjudication of guilt was deferred, and Respondent was placed on community supervision for a period of ten (10) years.
8. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
9. The Board finds that there exists serious risks to public health and safety.

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(s) of 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.4535(a)(3)&(16) and (b), Texas Occupation Code, and Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 809814, heretofore issued to WESLEY ANDERSON, 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 Registered Nurse License Number 809814, heretofore issued to WESLEY ANDERSON, 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 professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself 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.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
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

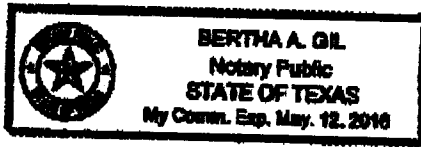
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 5th day of November, 2012.

Wesley Anderson
WESLEY ANDERSON, Respondent

Sworn to and subscribed before me this 5th day of November, 2012.

SEAL



Bertha A. Gil
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 Registered Nurse License Number 809814, previously issued to WESLEY ANDERSON.

Effective this 13th day of November, 2012.



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