

In the Matter of
Permanent Registered Nurse
License Number 663120
Issued to JEFFREY MICHEAL JUDISCAK,
Respondent

§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING



Patricia A. Plummer
Executive Director of the Board

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.

ORDER OF TEMPORARY SUSPENSION

TO: JEFFREY MICHEAL JUDISCAK
221 MAPLE STREET
SCHERTZ, TX 78154

A public meeting of the Texas Board of Nursing was held on March 19, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 663120, issued to JEFFREY MICHEAL JUDISCAK was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of JEFFREY MICHEAL JUDISCAK and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about February 10, 2011, while employed with Normandy Terrace Healthcare and Rehab, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the probation conditions on Respondent's license. RESPONDENT SHALL present a complete copy of this Order . . . prior to accepting an offer of employment.

A copy of the Finding of Fact, Conclusions of Law, and Agreed Order dated November 10, 2003, is attached and incorporated by reference as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section

301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about February 15, 2011, while employed with Normandy Terrace Healthcare and Rehab, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

(6) . . . RESPONDENT SHALL cause each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

During February 10, 2011 through April 1, 2011, while employed with Normandy Terrace Healthcare and Rehab, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or any synthetic opiates for one (1) year of employment as a professional nurse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE IV.

During February 10, 2011 through April 1, 2011, while employed with Normandy Terrace Healthcare and Rehab, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Fourteen (14) of the Agreed Order which states, in pertinent part:

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period random screens shall be performed at least once a week. . .

The above action constitutes grounds for disciplinary action in accordance with Section

301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE V.

On or about April 6, 2011, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the probation conditions on Respondent's license. RESPONDENT SHALL present a complete copy of this Order . . . prior to accepting an offer of employment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE VI.

On or about April 11, 2011, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

(6) . . . RESPONDENT SHALL cause each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE VII.

During April 6, 2011 through present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, you failed to comply with the Agreed Order issued to you on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of your failure to comply with Stipulation Number Seven (7) of the Agreed Order which states, in pertinent part:

(7) For the first year of employment as a Registered Nurse under this Order RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct Supervision requires another professional nurse to be working on the same unit as RESPONDENT and readily available to provide assistance and intervention. . . The RESPONDENT SHALL NOT be employed by...hospice, or home health agency...

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE VIII.

During April 6, 2011 through present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Twelve (12) of the Agreed Order which states, in pertinent part:

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE IX.

During April 6, 2011 through present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Fourteen (14) of the Agreed Order which states, in pertinent part:

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period random screens shall be performed at least once a week. . .

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE X.

During April 6, 2011 through present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Fifteen (15) of the Agreed Order which states, in pertinent part:

(16) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board... Such reports

are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period. . .

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE XI.

During April 6, 2011 through present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 10, 2003, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Sixteen (16) of the Agreed Order which states, in pertinent part:

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. . . RESPONDENT SHALL submit the require evidence on the forms provided by the Board at the end of every three (3) months. . .

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by JEFFREY MICHEAL JUDISCAK constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 663120, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

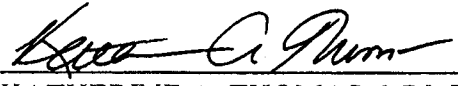
NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 663120, issued to JEFFREY MICHEAL JUDISCAK, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order,

and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 19th day of March, 2013.

TEXAS BOARD OF NURSING

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

D4551-12/06/2012