

BEFORE THE TEXAS BOARD OF NURSING  
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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.  
*William R. Plummer*  
 Executive Director of the Board

In the Matter of § AGREED  
 Registered Nurse License Number 663120 §  
 issued to JEFFREY MICHEAL JUDISCAK § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEFFREY MICHEAL JUDISCAK, Registered Nurse License Number 663120, 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 a Baccalaureate Degree in Nursing from The University of Texas, Health Science Center, San Antonio, Texas, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on August 3, 1999.
5. Respondent's employment history includes:

7/99 - 6/00	GN/Staff Nurse Neuro Intensive Care Unit	Southwest Texas Methodist Hospital San Antonio, Texas
7/00 - 9/00	Unknown	

Respondent's nursing employment history continued:

10/00 - 10/01	Charge Nurse	Healthsouth RIOSA San Antonio, Texas
9/01 - 5/02	Contract Nurse Intensive Care Unit	Baptist Health Systems San Antonio, Texas
6/02 - 8/02	Unknown	
9/02 - 1/03	House Supervisor	Lifecare Hospital San Antonio, Texas
09/04 - 10/06	Wound Care Specialist	Medline Industries Mundelein, Illinois
10/06 - 12/10	Not employed in nursing	
02/11 - 03/11	PRN Staff Nurse	Normandy Terrace Healthcare and Rehab Center, San Antonio, Texas
04/11 - Present	Admissions RN/ Case Manager Hospice	Odyssey Healthcare of San Antonio San Antonio, Texas

6. On November 10, 2003, Respondent's license to practice was Suspended by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated November 10, 2003, is attached and incorporated by reference as part of this Order.
7. At the time of the initial incident, Respondent was employed as a PRN Staff Nurse with Normandy Terrace Healthcare and Rehab Center, San Antonio, Texas, and was in this position for one (1) month.
8. On or about February 9, 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.

9. On or about February 14, 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.

10. On or about February 9, 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.

11. On or about February 9, 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. . .

12. On or about April 18, 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.

13. On or about April 23, 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.

14. On or about April 18, 2011, through the present, while employed with Odyssey HealthCare of San Antonio, San Antonio, Texas, Respondent 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...

15. On or about April 18, 2011, through the 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.

16. On or about April 18, 2011, through the 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. . .

17. On or about April 18, 2011, through the 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:

(15) 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. . .

18. On or about April 18, 2011, through the 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. . .

19. Formal Charges were filed on March 19, 2013.
20. Formal Charges were mailed to Respondent on March 19, 2013.
21. On March 19, 2013, Respondent was issued an Order of Temporary Suspension by the Texas Board of Nursing.
22. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
23. 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.

24. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 663120, heretofore issued to JEFFREY MICHEAL JUDISCAK, 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 663120, heretofore issued to JEFFREY MICHEAL JUDISCAK, 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; 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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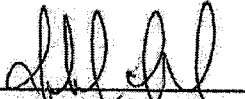
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512-305-0101

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 25 day of March, 202013

  
\_\_\_\_\_  
JEFFREY MICHEAL JUDISAK, Respondent

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

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



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 663120, previously issued to JEFFREY MICHEAL JUDISCAK.

Effective this 25<sup>th</sup> day of March, 2013.



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



Respondent's professional employment history continued:

7/00 - 9/00	Unknown	
10/00 - 10/01	Charge Nurse	Healthsouth Rehabilitation Institute of San Antonio (RIOSAs) San Antonio, Texas
9/01 - 5/02	Contract Nurse Intensive Care Unit	Baptist Health Systems San Antonio, Texas
6/02 - 8/02	Unknown	
9/02 - 1/03	House Supervisor	Lifecare Hospital San Antonio, Texas
1/03 - Present	Not Working as a Professional RN	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), Respondent was employed as a Contract Nurse in the Intensive Care Unit with Baptist Health Systems, San Antonio, Texas, and had been in this position for less than one (1) month.
7. On or about September 10, 2001, through May 15, 2002, while employed with Baptist Health Systems, San Antonio, Texas, Respondent misappropriated Demerol from the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
8. On or about May 15, 2002, while employed with Baptist Health System, San Antonio, Texas, Respondent engaged in the intemperate use of Demerol in that Respondent produced a specimen for a drug screen which tested positive for Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol 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. On or about September 10, 2001, through May 15, 2002, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients, but failed to document the administration of the Demerol in patients' Medication Administration Record (MAR) and/or Nurses Notes. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on the documentation to further medicate the patient which could result in over-medication.

10. On or about September 10, 2001, through May 15, 2002, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients which was in excess frequency and/or dosage of the physician's orders. Respondent's conduct was likely to injure patients in that the administration of Morphine and Demerol in excess dosage and/or frequency of the physician's order could result in the patients suffering from adverse reactions, including respiratory depression.
11. On or about September 10, 2001, through May 15, 2002, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Demerol from the Pyxis Medication Dispensing System for patients, but failed to properly document the wastage. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. At the time of the incidents in Findings of Fact Numbers Thirteen (13) through Sixteen (16), Respondent was employed as a House Supervisor with Lifecare Hospital, San Antonio, Texas, and had been in this position for three (3) months.
13. On or about December 31, 2002, through January 3, 2003, while employed with Lifecare Hospital, San Antonio, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
14. On or about January 3, 2003, while employed with Lifecare Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol 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.
15. On or about December 31, 2002, through January 3, 2003, while employed with Lifecare Hospital, San Antonio, Texas, Respondent withdrew Demerol from the MED- Dispense Station for patients without a physician's order. Respondent's conduct was likely to injure patients in that the administration of Demerol without a physician's order could result in the patient suffering from adverse reactions including respiratory depression.
16. On or about December 31, 2002, through January 3, 2003, while employed with Lifecare Hospital San Antonio, Texas, Respondent documented falsified and unauthorized physicians' orders for Demerol in patients' medical records. Respondent's conduct was likely to deceive the facility and was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patient.
17. Respondent's last known date of sobriety is January 3, 2003, as indicated in Finding of Fact Number Fourteen (14).

18. 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 a violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (1), (3), (4), (19), & (20).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 663120, heretofore issued to JEFFREY MICHEAL JUDISCAK, including revocation of Respondent's professional license to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that License Number 663120, previously issued to JEFFREY MICHEAL JUDISCAK, to practice professional nursing in Texas is hereby SUSPENDED and said suspension is enforced until Respondent completes an inpatient treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 663120 previously issued to JEFFREY MICHEAL JUDISCAK, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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 IF FURTHER AGREED, upon verification of successful completion of the approved inpatient treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be placed on probation for three (3) years with the following agreed terms of probation:

(1) 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice professional nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of the stay of suspension, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered 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, and documentation of care. 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 can be found on the Board's website [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses can be found on the Board's website [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH**

**THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(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 and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. 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.

(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. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the duration of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two



(2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(10) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

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

(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.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except

as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(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 per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each

specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(15) 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, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. 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, or until RESPONDENT is dismissed from therapy.

(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. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petitioner has been acted upon by the Board.

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.

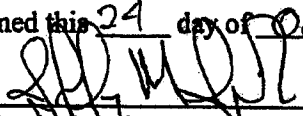
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RESPONDENT'S CERTIFICATION

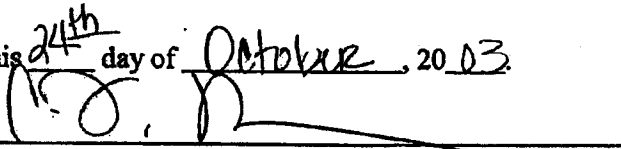
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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.

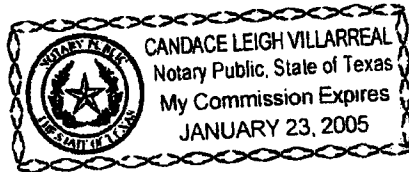
Signed this 24 day of Oct, 2003.

  
\_\_\_\_\_  
Jeffrey Michael Judiscak, Respondent

Sworn to and subscribed before me this 24<sup>th</sup> day of October, 2003.

SEAL

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



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 24th day of October, 2003, by JEFFREY MICHEAL JUDISCAK, License Number 663120, and said Order is final.

Effective this 10th day of November, 2003.



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