



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 A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 461058 §
issued to REGINA C. GERST §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 461058, issued to REGINA C. GERST, 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.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associates Degree in Nursing from Phillips Beth Israel School of Nursing, New York City, New York on June 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas November 19, 1981.
4. Respondent's complete professional nursing employment history is unknown.
5. On or about January 16, 2013, Respondent received a Stipulated Order for Voluntary Surrender from the Oregon State Board of Nursing wherein her license to practice professional nursing in the State of Oregon was accepted for voluntary surrender. A copy of the Stipulated Order for Voluntary Surrender issued by the Oregon State Board of Nursing, dated January 16, 2013 is attached and incorporated by reference as part of this Order.

6. On March 18, 2013, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated March 6, 2013, is attached and incorporated herein by reference as part of this Order.
7. 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.
8. 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 461058, heretofore issued to REGINA C. GERST, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 461058, heretofore issued to REGINA C. GERST, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of 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 of registered nurse or the abbreviation RN or wear any insignia identifying herself 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.

Effective this 18th day of March, 2013.

TEXAS BOARD OF NURSING

By:



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

P.O. Box 1424
WEST DENNIS, MA.
02670
MARCH 6, 2013

Texas Board of
Nursing
Austin, Texas

Dear Mr. Smelber,

Effective immediately, I wish to completely
surrender my license in your state, as I am
officially (and completed) after 30 (thirty)
years as an RN.

Sincerely,
Regina G. Downing
Regina G. Downing

**BEFORE THE OREGON
STATE BOARD OF NURSING**

In the Matter of) **STIPULATED ORDER FOR**
Regina Downing, RN) **VOLUNTARY SURRENDER**
)
License No. 201142996RN) **Reference No. 13-00050**

Regina Downing (Licensee) was issued a Registered Nurse license by the Oregon State Board of Nursing (Board) on September 30, 2011.

On or about July 13, 2012 the Board received information that Licensee was suspended by the Massachusetts Board of Nursing for diversion of a controlled substance. Licensee was employed as a Registered Nurse at a Massachusetts mental health center where she diverted Tramadol for her own use.

When Licensee was confronted by the facility management regarding the allegation of diverting Tramadol, she admitted to diverting the medication. Licensee further admitted that she took the Tramadol and ingested it at times when she was on duty at work to cope with persistent foot pain. Licensee voluntarily resigned her position as a Registered Nurse.

By the previously described actions, Licensee is subject to discipline pursuant to violations of ORS 678.111 (1) (e) and (f); OAR 851-045-0070 (2) (f) and (5) (c) which reads as follows:

678.111 Causes for denial, renovation or suspension of license or probation, reprimand or censure of licensee

In the manner prescribed in ORS chapter 183 for a contested case:

(1) Issuance of a license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such conditions as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

- (e) Impairment as defined in ORS 676.303
- (f) Conduct derogatory to the standards of nursing.

**Conduct Derogatory to the Standards of Nursing Defined
851-045-0070**

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to the following:

(2) Conduct related to other federal or state statute/rule violation:

- (f) Unauthorized removal or attempted removal of narcotics, other drugs, supplies, property, or money from clients, the work place, or any person.

(5) Conduct related to impaired function:

(c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.

Licensee wishes to cooperate with the Board in this matter and voluntarily surrender her Registered Nurse license.

Therefore, the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the voluntary surrender of the Registered Nurse license of Regina Downing be accepted. If, after a minimum of three years, Ms. Downing wishes to reinstate her Registered Nurse license, she may submit an application to the Board to request reinstatement.

Licensee agrees that she will not practice as a Registered Nurse from the date she signs this Order.

Licensee understands that this Order will be submitted to the Board of Nursing for its approval and is subject to the Board's confirmation.

Licensee understands that by signing this Stipulated Order, she waives the right to an administrative hearing under ORS 183.310 to 183.540. Licensee acknowledges that no promises, representations, duress or coercion have been used to induce her to sign this Order.

Licensee understands that this Order is a document of public record.

Licensee has read this Stipulated Order, understands this Order completely, and freely signs this Stipulated Order for Voluntary Surrender.

Regina D. Downing 11/22/12
Regina Downing, RN Date

ORDER

IT IS SO ORDERED:

BOARD OF NURSING FOR THE STATE OF OREGON

Kay Carnegie 1/16/13
Kay Carnegie, RN, MS Date
Board President