



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 § AGREED
Registered Nurse License Number 737809 §
issued to DONALD WALTER SCHERENBERG § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boar considered the matter of DONALD WALTER SCHERENBERG, Registered Nurse License Number 737809, 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's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received a an Associate Degree in Nursing from Triton Community College, River Grove, Illinois, on May 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on February 5, 2007.
5. Respondent's complete nursing employment history is unknown.

6. On or about January 3, 2014, Respondent's nursing license was Suspended by the State of Florida Board of Nursing, Tallahassee, Florida. A copy of the Final Order dated January 3, 2014, is attached and incorporated, by reference, as part of this Order.
7. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
8. 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.
9. 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 737809, heretofore issued to DONALD WALTER SCHERENBERG, 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, as amended, the Board may impose conditions for reinstatement of licensure.
6. 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 737809, heretofore issued to DONALD WALTER SCHERENBERG, 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.

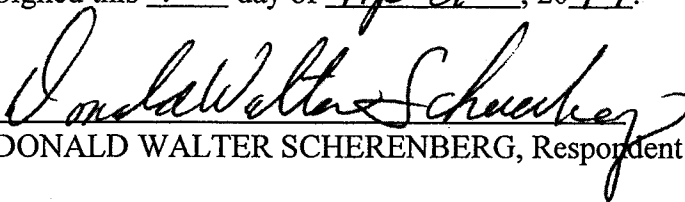
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RESPONDENT'S CERTIFICATION

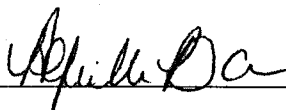
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and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

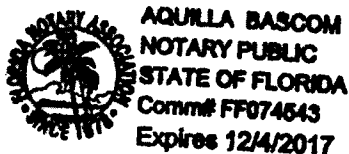
Signed this 15 day of April, 2014.


DONALD WALTER SCHERENBERG, Respondent

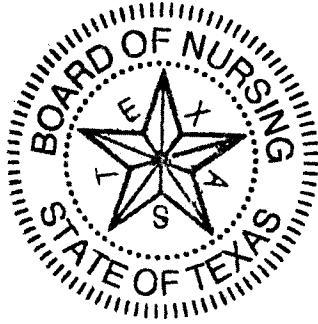
Sworn to and subscribed before me this 15 day of April, 2014.

SEAL


Notary Public in and for the State of FL



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 737809, previously issued to DONALD WALTER SCHERENBERG.



Effective this 17th day of April, 20 14.

Katherine A. Thomas

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

I certify this to be a true copy
of the records on file with the
Texas Board of Nursing

Date: 4/21/14
Signed: [Signature]

FILED DATE - JAN 06 2014
Department of Health

By: Angela Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2013-04578

License No.: RN 9324101

DONALD WALTER SCHERENBERG,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on December 5, 2013 in Deerfield Beach, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Casey Cowen, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Therefore, the Board adopts as its finding of facts the facts set forth in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(h), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee.

Therefore it is ORDERED that:

The licensee must pay an administrative fine of \$250.00 and investigative costs of \$907.64 within twelve months of the date of entry of this Order. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. Payment must be made by cashier's check or money order ONLY.

Personal checks shall NOT be accepted.

The Respondent shall enroll in and successfully complete the following Continuing Education courses:

- Medication Administration (4 hours)
- Documentation (4 hours)

This shall be in addition to other normally required continuing education courses. Verification of course content and course completion must be submitted to the Nursing Compliance Officer within six (6) months from the date of this Order. The Board will retain jurisdiction for the purpose of enforcing continuing education requirements.

The license of DONALD WALTER SCHERENBERG is suspended until the licensee undergoes an evaluation coordinated by the Intervention Project for Nurses (IPN), and complies with any and all terms and

conditions imposed by IPN as a result of said evaluation. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32240-9130, (904) 270-1620 within 30 days. If the licensee is in need of monitoring or treatment, he will comply with all conditions of the IPN Advocacy Contract or he will be in violation of the Board Order.

If the licensee is not in need of monitoring or treatment and the IPN is not suitable, upon notification by the IPN to the Board office, the following disciplinary action is imposed:

The license of DONALD WALTER SCHERENBERG is placed on probation for one year, subject to the following conditions:

The licensee shall not violate chapters 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing.

The licensee must report any change in address or telephone number, employment, employer's address or telephone number, or any arrests, in writing within 10 working days to DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer, Attention: Nursing Compliance Officer.

Whether employed as a nurse or not, the licensee shall submit written reports to the Nursing Compliance Officer which shall contain the licensee's name, license number, and current address; the name,

address, and phone number of each current employer; and a statement by the licensee describing his employment. This report shall be submitted to the Nursing Compliance Officer every three (3) months in a manner as directed by the Nursing Compliance Officer.

All current and future settings in which the licensee practices nursing shall be promptly informed of the licensee's probationary status. Within five days of the receipt of this Order, the licensee shall furnish a copy to his nursing supervisor. If the licensee is enrolled in a nursing program, the licensee's clinical instructors shall serve as the licensee's supervisors in addition to any supervisors at the licensee's place of employment. The supervisor must acknowledge this probation to the Nursing Compliance Officer in writing on employer letterhead within ten days. Should the licensee change employers, he must supply a copy of this Order to his new nursing supervisor within five days. The new employer shall acknowledge probation in writing on employer letterhead to the Nursing Compliance Officer within ten days. The licensee shall be responsible for assuring that reports from nursing supervisors will be furnished to the Nursing Compliance Officer every three (3) months. That report shall describe the licensee's work assignment, work load, level of performance, and any problems. Any report indicating an unprofessional level of performance shall be a violation of probation.

The licensee must work in a setting under direct supervision and only

on a regularly assigned unit. Direct supervision requires another nurse to be working on the same unit as the licensee and readily available to provide assistance and intervention. The licensee cannot be employed by a nurse registry, temporary nurse employment agency or home health agency. Multiple employers are prohibited. The licensee cannot be self-employed as a nurse.

If the licensee ceases to practice nursing, this probation shall be tolled until the licensee returns to the active practice of nursing. Then the probationary period will resume. Unless this Order states otherwise, any fines imposed or continuing education required must be paid or completed within the time specified and are not tolled by this provision. Employer reports are not required during the time probation is tolled. Working in nursing without notification to the Board is a violation of this Order.

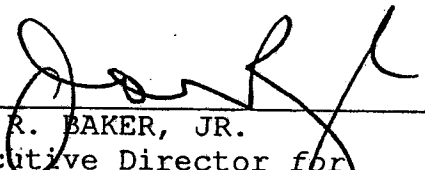
The licensee's failure to comply with the terms of this Probation Order without the prior written consent of the Board shall be a violation of this Probation. The probation shall not be terminated until the licensee has complied with all terms of probation. The failure to comply with the terms of probation set forth above shall result in a subsequent Uniform Complaint Form being filed by the Board with the Department of Health against the Respondent's license, which may result in additional administrative fines, probationary periods, and/or suspensions being imposed against the Respondent's license.

The terms of this Order are effective as of the date this Order is filed with the clerk for the Department of Health. The Board office will send the licensee information regarding probationary terms, however, failure of the licensee to receive such information DOES NOT EXCUSE COMPLIANCE with the terms of this Order.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 3rd day of Jan, 2014.

BOARD OF NURSING



JOE R. BAKER, JR.
Executive Director for
Lavigne A. Kirkpatrick BS, RN
Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to DONALD WALTER SCHERENBERG, 2708

Ponkan Meadow Dr., Apopka, FL 32712; IPN, P.O. Box 49130, Jacksonville Beach, Florida 32240-9130; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Casey Cowan**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 6th day of January 2014.

Angel Sanders

Deputy Agency Clerk

7012 3050 0001 9149 7450

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2013-04578

DONALD W. SCHERENBERG, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Donald W. Scherenberg, R.N., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of nursing assistance pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9324101.

3. Respondent's address of record is 2708 Ponkan Meadow Drive, Apopka, Florida 32712.

4. At all times material to this Administrative Complaint, Respondent was an employee of Central Florida Regional Hospital (CFRH), in Sanford, Florida.

5. At all times material to this Administrative Complaint, CFRH utilized Pyxis. Pyxis is an automated medication dispensing system used to store and dispense controlled substances for patients. Nurses can access the Pyxis system only through the use of a personal identification code and password. Whenever a nurse withdraws a controlled substance from the Pyxis system, the name of that nurse, the name of the patient for whom the substance was withdrawn, and the type and quantity of substance that was withdrawn are automatically documented by the Pyxis system.

6. On or about March 7, 2013, at approximately 3:02 p.m., a report of the Pyxis machine's inventory of metoprolol was conducted. Forty-six tablets were accounted for.

7. Metoprolol is a beta-blocker that affects the heart and circulation. Metoprolol is used to treat angina and hypertension. It is also used to treat or prevent heart attack.

8. On or about March 7, 2013, at approximately 5:49 p.m., Respondent documented removing one metoprolol tablet.

9. On or about March 7, 2013, at approximately 7:01 p.m., a report of the Pyxis machine's inventory of metoprolol was conducted. Twenty-two tablets were accounted for.

10. Twenty-three metoprolol tablets were unaccounted for.

11. In between the inventory report on March 7, 2013, at approximately 3:02 p.m., and the subsequent inventory report on March 7, 2013, at approximately 7:01 p.m., Respondent was the only employee who accessed the metoprolol.

12. On or about March 11, 2013, at approximately 1:36 p.m., a report of the Pyxis machine's inventory of metoprolol was conducted. Fifty-seven tablets were accounted for.

13. On or about March 12, 2013, at approximately 9:08 a.m., Respondent documented removing one metoprolol tablet.

14. On or about March 12, 2013, at approximately 9:46 a.m., a report of the Pyxis machine's inventory of metoprolol was conducted. Twenty-seven tablets were accounted for.

15. Twenty-nine metoprolol tablets were unaccounted for.

16. In between the inventory report on March 11, 2013, at approximately 1:36 p.m., and the subsequent inventory report on March 12, 2013, at approximately 9:46 a.m., Respondent was the only employee who accessed the metoprolol.

17. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2012).

18. Section 464.018(1)(h), Florida Statutes (2012), provides that unprofessional conduct as defined by board rule constitutes grounds for disciplinary action.

19. Rule 64B9-8.005(2), Florida Administrative Code, provides that unprofessional conduct includes misappropriating drugs, supplies or equipment.

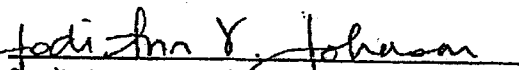
20. Respondent engaged in unprofessional conduct by misappropriating metoprolol from CFRH.

21. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes (2012), by engaging in unprofessional conduct as defined by Rule 64B9-8.005(4), Florida Administrative Code, to include misappropriating drugs, supplies or equipment.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of August, 2013.

John H. Armstrong, MD, FACS
State Surgeon General and Secretary of Health


Jodi-Ann V. Johnson
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Bridget Coates*

AUG 23 2013

DATE: _____

Florida Bar Number 0073525

(850) 245 - 4444 Telephone

(850) 245 - 4683 Facsimile

jodi-ann_johnson@doh.state.fl.us

/JVJ

PCP: 8-23-13

PCP Members: Kirkpatrick & Herrera

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.