



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. Williams
Executive Director of the Board

DOCKET NUMBER 507-14-3450

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 792683,
ISSUED TO
SEAN ALEXANDER WEAVER**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: SEAN ALEXANDER WEAVER
136 WOODSBROOK PLACE
MADISON, AL 35756**

**PAUL D. KEEPER
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on October 23-24, 2014, the Texas Board of Nursing (Board) considered the following items: (1) Order Number 1, *Notice of Intention to Dismiss on Motion for Default* and Order Number 2, *Order of Dismissal on Motion for Default*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's registered nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On August 7, 2014, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on his behalf. During the hearing on August 7, 2014, Staff introduced evidence into the record demonstrating that Respondent had been sent a First Amended Notice of Hearing by first class certified mail return receipt requested to his last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order Nos. 1 and 2, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order Number 1, *Notice of Intention to Dismiss on Motion for Default* and Order Number 2, *Order of Dismissal on Motion for Default*, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Board further finds that the First Amended Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the First Amended Formal Charges was given to Respondent in accordance with

the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the First Amended Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the First Amended Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. All parties have a right to judicial review of this Order. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.


IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 792683, previously issued to SEAN ALEXANDER WEAVER, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 23rd day of October, 2014.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: First Amended Formal Charges

In the Matter of
Permanent Registered Nurse
License Number 792683
Issued to SEAN ALEXANDER WEAVER,
Respondent

§ BEFORE THE TEXAS
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§ BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SEAN ALEXANDER WEAVER, is a Registered Nurse holding License Number 792683, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 19, 2012 through January 22, 2012, while employed as a Registered Nurse with AMN HealthCare, San Diego, California, and on assignment at Scott & White Hospital, Temple, Texas, Respondent misappropriated Morphine and Dilaudid belonging to the facility and patients thereof, or failed to take the precautions to prevent such misappropriation, as follows:

Date	Patient	Order	Narc Log	MAR	Notes	Waste
1/19/12	3427359	Morphine IV 1mg q4-6h PRN	4mg Morphine @ 2233	None	None	3mg @ 2251
1/21/12	5364523	Opium Tincture 4mg (0.4mL) PO q6h	0.6mL Opium Oral Syringe @ 0100	None	None	2mg @ 0100
1/19/12	905240	Dilaudid 8mg PO q3h PRN pain	8mg Dilaudid @ 2029	None	1950 - Pain 7, aching burning, cramping	None
1/19/12	905240	Dilaudid 2-4mg IV q3h Severe Pain	4mg vial Dilaudid @ 2052	None	2030 - Pain 8 Back 2100 - Pain 7 Back	None
1/19/12	905240	Methadone 15mg PO BID	15mg Methadone @ 2057	None	None	None
1/22/12	4701449	Norco 10/325 1tab PO q4h PRN	2 tabs Norco 10/325mg @ 1946	None	1916 - Pain 4 Aching	None

Respondent's conduct was likely to defraud the facility and patients of the cost of medications, and is a violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances

Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE II.

On or about March 14, 2012, while employed as a Registered Nurse with AMN HealthCare, San Diego, California, and on assignment at Scott & White Hospital, Temple, Texas, Respondent engaged in the intemperate use of Hydcodone, Fentanyl, Norfentanyl, and Amphetamine. Respondent produced a specimen for a drug screen that resulted positive for Hydcodone, Fentanyl, Norfentanyl, and Amphetamine. Possession of Hydcodone, Fentanyl, Norfentanyl, and Amphetamine, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Hydcodone, Fentanyl, Norfentanyl, and Amphetamine by a Registered Nurse, while subject to call or duty, 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) and 217.12(1)(A),(E),(4),(5),(10)(A),(D)&(11)(B).

CHARGE III.

On or about February 19, 2014, Respondent voluntarily surrendered his license to practice nursing in the State of Alabama. A copy of the Voluntary Surrender, Alabama Board of Nursing, dated February 19, 2014, 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)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

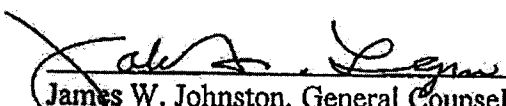
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 5th day of June, 20 14.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

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TEXAS BOARD OF NURSING
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Attachments: Order of the Board dated November 30, 2012.



ALABAMA BOARD OF NURSING

RSA Plaza, Ste 250
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Montgomery, AL 36104

Mailing Address:
P.O. Box 303900
Montgomery, AL 36130-3900

(334) 293-5200
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N. Genell Lee, MSN, RN, JD

Executive Officer

www.abn.alabama.gov

BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA)

MONTGOMERY COUNTY)

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to **SEAN WEAVER** is in record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery; County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

WITNESS my hand and seal of the Alabama Board of Nursing on this 6th day of March 2014.

ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER



BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

SEAN ALEXANDER WEAVER

LICENSE NO.: 1-117976

Respondent.

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ABN CASE NO. 2012-0732

STATEMENT OF CHARGES AND NOTICE OF HEARING

TO: SEAN ALEXANDER WEAVER
136 WOODSBROOK PLACE SW
MADISON AL 35756-2802

NOTICE OF HEARING

Pursuant to the provisions of Code of Alabama 1975, § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8, you are hereby notified and ordered to appear before the Alabama Board of Nursing (hereinafter referred to as the "Board") on 1/23/14 at 10:30 a.m., at the Alabama Board of Nursing Office, RSA Plaza, Suite 250, 770 Washington Avenue, Montgomery, Alabama 36104 or at another location designated by the Board, and from time to time thereafter as may be required by the Board, then and there to show cause, if any you have, why disciplinary action should not be taken against your license to practice nursing in this State for the reasons set forth in the following Statement of Charges. Disciplinary action may include administrative fines not to exceed \$1000 per violation; and/or revocation, suspension, or denial of your license(s); and/or such other discipline as may be ordered by the Board. Code of Alabama 1975, § 34-21-25. You have the right to be represented by counsel at your own expense, to respond and present evidence and argument on all material issues, to cross-examine all witnesses who testify against you, and to request that witnesses and/or documents be subpoenaed on your behalf. The Board charges a fee of ten (10) dollars per subpoena issued on your behalf.

STATEMENT OF CHARGES

COMES NOW Complainant N. Genell Lee, as Executive Officer of the Alabama Board of Nursing and, on behalf of the Alabama Board of Nursing ("the Board"), charges Respondent SEAN ALEXANDER WEAVER as follows:

I.

On May 21, 2008, the Board issued Respondent a permit as a Nursing Graduate – RN Program (NGRNP). Said permit was superseded on June 26, 2008, when the Board licensed Respondent as a Registered Nurse (RN) by examination, and he has been so licensed at all times relevant to the matters stated herein. Said license lapsed January 1, 2013, for non-renewal.

II.

Respondent has also been licensed as an RN in the States of California (RN 785736) and Texas (RN 792683). Neither license has any associated disciplinary records at this time.

III.

Respondent has been employed as a travel nurse with American Mobile/AMN Healthcare, San Diego, California, and assigned to Scott and White Hospital, Temple, Texas.

IV.

On June 17, 2013, Respondent was admitted to Bradford Health Care Services, Extended Care Program, Warrior, Alabama. Respondent's Axis I diagnoses included, among other things: Opioid dependence; History of alcohol abuse; Stimulant use, rule out abuse or dependence; and Cannabis abuse. Respondent was recommended for residential treatment.

On June 26, 2013, Respondent left treatment against medical advice.

COUNT ONE

Respondent's conduct as described in Paragraph(s) IV of the Statement of Charges demonstrates that Respondent is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the registered nurse or licensed practice nurse unsafe or unreliable, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(d) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(4)(h).

COUNT TWO

Respondent's conduct as described in Paragraph(s) IV of the Statement of Charges demonstrates that Respondent is unable to safely practice nursing with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(e) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(5)(h) and (i).

PRAYER FOR RELIEF

WHEREFORE, Complainant, in her capacity as the Executive Officer of the Alabama Board of Nursing, requests that, upon hearing and proof, Respondent be found guilty of the aforementioned violations and that the Alabama Board of Nursing take such disciplinary actions as it deems necessary.

Dated this 30th day of December, 2013



ALABAMA BOARD OF NURSING
N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER

ADDRESS OF COUNSEL:

Alice Maples Henley

Deputy Attorney General

General Counsel

Alabama Board of Nursing

Post Office Box 303900

Montgomery, Alabama 36130-3900

334-293-5200 (Telephone)

334-293-5201 (Facsimile)

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

SEAN ALEXANDER WEAVER

LICENSE NO.: 1-117976 (LAPSED)

ABN CASE NO. 2012-0732

FOR O I HAM
VOLUNTARY SURRENDER

The undersigned holder of licensure to practice nursing in the State of Alabama, pursuant to § 610-X-8-.05(4) of the Alabama Board of Nursing Administrative Code hereby freely, knowingly and voluntarily surrenders said license to the Alabama Board of Nursing. I further understand that this surrender shall have the same effect as a revocation of my license, and I knowingly forfeit and relinquish all right, title and privilege of practicing nursing in the State of Alabama, unless and until such time as my license may be reinstated.

I understand that I have a right to a hearing in this matter, and I hereby freely, knowingly and voluntarily waive such right. I also understand that should any request for reinstatement be entertained by the Alabama Board of Nursing, the Alabama Board of Nursing shall have access to the entire investigative file in this matter.

I further acknowledge that the only promises or representations made to me by the Alabama Board of Nursing or its representatives are that upon receipt of proper proof and evidence of my rehabilitation, the Alabama Board of Nursing will give due consideration to an application for reinstatement of license at such time as is allowed by law. I fully understand that as a condition for reinstatement, I must demonstrate to the satisfaction of the Alabama Board of Nursing that I am capable of safely and competently resuming the practice of nursing in accordance with the laws of the state of Alabama.

This voluntary surrender shall become effective immediately upon acceptance thereof by the Alabama Board of Nursing. I understand that this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against me, that this action shall be considered to be and may be recorded as a Final Order of the Board, and that this action will be reported as a disciplinary action to the Healthcare Integrity Protection Databank, the Office of Inspector General of the United States Department of Health and Human Services, and the National Council of State Boards of Nursing.

EXECUTED this the 19 day of February 2014

Sean Alexander Weaver
SEAN ALEXANDER WEAVER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 21st day of February 2014.

N. Genell Lee
ALABAMA BOARD OF NURSING
N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER