

IN THE MATTER OF  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 784027  
ISSUED TO ANNE THERESE LANTZ,  
RESPONDENT

§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE



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 Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: ANNE THERESE LANTZ  
2537 NORWAY DR  
GARLAND, TX 75040

During open meeting held in Austin, Texas, on **May 12, 2015**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the 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 [22 TEX. ADMIN.CODE § 213.16(j)]. 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.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 784027, previously issued to ANNE THERESE LANTZ, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

---

Entered this 12th day of May, 2015.

TEXAS BOARD OF NURSING



BY:

---

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 19, 2015.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 784027  
Issued to ANNE THERESE LANTZ  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of May, 20 15 a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

ANNE THERESE LANTZ  
2537 NORWAY DR  
GARLAND, TX 75040

Via USPS First Class Mail

ANNE THERESE LANTZ  
343 HETHERINGTON CIRCLE  
YUBA CITY, CA 95993

ANNE THERESE LANTZ  
1161 GALAXY DR  
YUBA CITY, CA 95991

BY:



\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of** § **BEFORE THE TEXAS**  
**Permanent Registered Nurse** §  
**License Number 784027** §  
**Issued to ANNE THERESE LANTZ,** §  
**Respondent** § **BOARD OF NURSING**

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANNE THERESE LANTZ, is a Registered Nurse holding License Number 784027, 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 December 5, 2014, Respondent's California registered nurse license was Revoked by the State of California Board of Registered Nursing, Sacramento, California. A copy of the California Board of Registered Nursing's Decision effective December 5, 2014, is attached and incorporated, by reference, as part of this pleading.

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](http://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, which can be found at the Board's website, [www.bon.texas.gov](http://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](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 23, 2010, and Decision effective December 5, 2014.

Filed this 19th day of February, 2015.

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

Natalie E. Adelaja, Assistant General Counsel  
State Bar No. 24064715

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated April 23, 2010, and Decision effective December 5, 2014.

D/2014.08.18

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Temporary License Nurse	§	AGREED
License Number 122421	§	
issued to ANNE THERESE LANTZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of THERESE ANNE LANTZ, Temporary Registered Nurse License Number 122421, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 31, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
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 an Associate Degree in Nursing from Oklahoma State University Technical Branch, Oklahoma City, Oklahoma, on December 1, 1992. Respondent was temporarily licensed to practice professional nursing in the State of Texas on January 22, 2009.
5. Respondent's professional nursing employment history is unknown.

6. On or about January 14, 2009, Respondent submitted an Texas Online Endorsement Application to the Texas Board of Nursing in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question, "Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"
7. On or about November 11, 2009, Respondent submitted an Endorsement Application for Registered Nurses to the Texas Board of Nursing to the Texas Board of Nursing in which Respondent answered "Yes" to the question, "Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"
8. In response to Findings of Facts Numbers Six (6) and Seven (7), Respondent states, in August of 2007, she felt that she was beginning to have a problem with alcohol. Respondent entered a residential treatment facility and completed the program in September of 2007 (Singing Trees in Garberville, California). Respondent states she has been in AA and has not experienced any more problems.
9. A Report of Health Status of Registered or Licensed Vocational Nurse dated January 22, 2010, was received from Peggy Grossman. In the report, Dr. Grossman states she has not seen Respondent since February 5, 2008 and could not make a statement as to Respondent's current or recent behavior or status.
10. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. 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.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(2), (10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(6)(I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 122421, heretofore issued to THERESE ANNE LANTZ, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, upon initial licensure, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all



respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

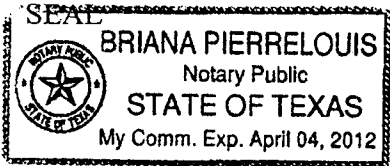
RESPONDENT'S CERTIFICATION

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 alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of April, 2010.

*Therese Anne Lantz*  
THERESE ANNE LANTZ, Respondent


Sworn to and subscribed before me this 12 day of April, 2010.



*Briana PierreLouis*  
Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 12<sup>th</sup> day of April, 2010, by THERESE ANNE LANTZ, Registered Nurse Temporary License Number 122421, and said Order is final.

Entered and effective this 23rd day of April, 2010.

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

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ANNE THERESE LANTZ**  
343 Hetherington Circle  
Yuba City, CA 95993

**Registered Nurse License No. 681016**

Respondent.

Case No. 2014-384

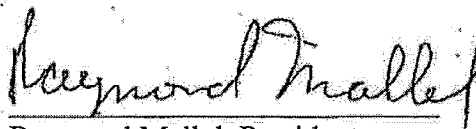
OAH No. 2013120574

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on December 5, 2014.

IT IS SO ORDERED this 6<sup>th</sup> day of November, 2014.



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

I hereby certify the  
foregoing to be a true copy  
of the documents on file in our office.

REGISTERED NURSING PROGRAM

  
Louise R. Bailey, M. ED., RN



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ANNE THERESE LANTZ,

Respondent.

Case No. 2014-384

OAH No. 2013120574

**PROPOSED DECISION**

This matter was heard before Elizabeth Miller Jennings, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, on August 18, 2014, in Sacramento, California.

Janice Lachman, Supervising Deputy Attorney General, represented Louise R. Bailey (complainant), Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

Anne Therese Lantz (respondent) was present and represented herself.

Evidence was received, the record closed, and the matter was submitted for decision on August 18, 2014.

**FACTUAL FINDINGS**

1. Complainant made and filed the First Amended Accusation in her official capacity on July 16, 2014.

2. On June 20, 2006, the Bureau issued respondent a registered nurse license.

*Respondent's Discipline in Texas*

3. On April 23, 2010, the State of Texas Board of Nursing took a disciplinary action against respondent, requiring her to successfully complete a peer assistance program and to pay a fee of \$500.

4. The circumstances underlying the disciplinary action are as follows. In 2007, while respondent lived in California, she voluntarily entered an in-patient alcohol treatment.

program. Following release from the program, she participated in Alcoholics Anonymous (AA) for one year. In 2009, respondent applied for a nursing license in Texas. In the online application form, she stated that she had not been addicted to or treated for the use of alcohol in the last five years. In the paper application form, respondent stated that she had been treated for the use of alcohol. After entering into a consent order with the Texas board, respondent testified that she attempted to withdraw her consent to the order, and left Texas without complying therewith.

#### *Respondent's Recent Use of Alcohol*

5. On April 11, 2014, respondent was arrested for driving under the influence. The case is still pending and there is no conviction in this matter.

6. The circumstances underlying the arrest are as follows. Respondent admitted that she was driving while drunk and that she was drinking liquor while she was driving. She was stopped and cited for driving under the influence.

#### *Rehabilitation*

7. In its Recommended Guidelines for Disciplinary Orders and Conditions of Probation (Guidelines), the Board has set forth the rehabilitation criteria to be applied when reviewing whether a registered nurse license should be suspended or revoked due to a licensee's abuse of alcohol. The criteria to be considered include successful completion of treatment programs, and employment for at least six months when the employer knew of the alcohol abuse and where there is documentation of no continuing use of alcohol. The Guidelines also contain examples of mitigating circumstances, including character references signed under penalty of perjury, evidence of participation in alcohol abuse programs and laboratory analyses, recent performance evaluations, and recent physical examinations.

8. Respondent admitted that she took no actions, after her voluntary admission to a rehabilitation program in 2006 and participation in AA for one year thereafter, to address her problems with alcohol. She did not comply with the sanctions ordered in Texas, which required participation in a peer assistance program. She testified that she continued to drink hard liquor until 2012, and that thereafter she continued to drink wine occasionally. Respondent testified that she was drinking alcohol, both before she started driving and while she was driving, when she was arrested in April 2014. She has not obtained further education, engaged in community activities, or participated in religious activities. Respondent testified that when she was arrested in April, she drank because an acquaintance brought hard liquor to respondent's home. At the hearing respondent acknowledged that she has a drinking problem, that she "could have killed someone" when she drove drunk, and stated that she will seek assistance through her employer's peer counseling program. Since her arrest in April, however, she took no actions to address her alcohol abuse. In a letter drafted shortly before this hearing, respondent wrote: "I honestly do not feel that I have a problem with alcohol." Respondent is not addressing her abuse of alcohol, and has not credibly acknowledged that she has a drinking problem. While respondent's recent

AUG 2 2014

STATE OF TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE  
DALLAS OFFICE

performance evaluation was positive, she testified that her employer is not aware of her recent arrest.

*Costs of Investigation and Enforcement*

9. The Board of Registered Nursing has incurred the following reasonable costs for the investigation and enforcement of this case, as substantiated by computerized timesheets:

Legal Services

Paralegal:

7.25 hours @ \$120/hour      \$ 870.00

Deputy Attorney General:

8.5 hours @ \$170/hour      \$ 1445.00

Total \$2,315.00

No evidence was offered regarding respondent's financial ability to pay a cost recovery award.

LEGAL CONCLUSIONS

1. Business and Professions Code section 2761, subdivision (a), provides that the Board may revoke a license for unprofessional conduct, which includes disciplinary action against a health care professional license by any other state. (Bus. & Prof. Code, § 2761, subd. (a) (4).) Subdivision (e) provides that the Board may revoke a license for making a false statement in an application for a license. Business and Professions Code section 2762, subdivision (b), provides that use of alcoholic beverages, to an extent that it is dangerous to oneself or the public, constitutes unprofessional conduct. The Board also developed Guidelines to evaluate the rehabilitation and to consider mitigating factors when considering the suspension or revocation of a license.

2. Business and Professions Code section 2750 grants the Board has authority to discipline a registered nurse license.

3. Respondent's discipline in Texas and respondent's driving while drunk constitute unprofessional conduct and grounds for disciplinary action. Complainant therefore established cause to revoke respondent's registered nurse license under Business and Professions Code sections 2750, 2761, and 2762. Respondent's initial statement on her Texas application that she had not been treated for alcohol abuse was false, but she testified that it was an error in her online application that she corrected in the written application form. There was not sufficient testimony or evidence to conclude that the statement was intentional, and it therefore does not constitute cause for discipline.

4. Respondent is not addressing her abuse of alcohol, and has not credibly acknowledged that she has a drinking problem. Respondent's arrest, for admittedly driving drunk, occurred only four months ago. In light of her refusal to admit to her alcohol abuse and to seek treatment, her failure to comply with the outstanding disciplinary order from Texas, and the short time since her drunk driving arrest, there is no substantial evidence that respondent has been fully rehabilitated. There are no mitigating factors. Consequently, to ensure that the public is adequately protected, respondent's license must be revoked.


5. Complainant has requested that respondent be ordered to pay the Board the costs of investigation and enforcement of the case. Under Business and Professions Code section 125.3, respondent may be ordered to pay to the Board "a sum not to exceed the reasonable costs of the investigation and enforcement of the case." The actual and reasonable costs of investigation and enforcement are \$2,315 (Finding 9). The case of *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 (*Zuckerman*) set forth the factors to be considered in determining the amount of any cost recovery award under a statute similar to Business and Professions Code section 125.3. Those factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Respondent did not raise a colorable challenge to the proposed discipline and did not demonstrate full rehabilitation (Legal Conclusions 3 and 4). Therefore, the evidence supports an order to pay the reasonable costs under the *Zuckerman* factors. Accordingly, respondent shall be ordered to pay costs in the amount of \$2,315.

#### ORDER

The registered nurse license and license rights of respondent Anne Therese Lantz under the Nursing Practice Act are REVOKED.

Respondent shall pay \$2,315 in costs to the Board within 30 days after the effective date of the decision in this matter. These costs may be paid over time pursuant to a payment plan established by the Board or its designee.

DATED: August 25, 2014

  
ELIZABETH MILLER JENNINGS  
Administrative Law Judge  
Office of Administrative Hearings



1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Acting Senior Assistant Attorney General  
3 KENT D. HARRIS  
Supervising Deputy Attorney General  
4 1300 I Street, Suite 125  
P.O. Box 944255  
5 Sacramento, CA 94244-2550  
Telephone: (916) 324-7859  
6 Facsimile: (916) 327-8643  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the First Amended Accusation  
Against:

Case No. 2014-384

11 **ANNE THERESE LANTZ**  
12 343 Hetherington Circle  
13 Yuba City, California 95993-4638

OAH No. 2013120574

**FIRST AMENDED ACCUSATION**

14 **Registered Nurse License No. 681016**

15 Respondent.

16  
17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this First Amended Accusation solely in her official capacity as  
20 the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **Registered Nurse License**

23 2. On or about June 20, 2006, the Board issued Registered Nurse License Number  
24 681016 to Anne Therese Lantz ("Respondent"). The Registered Nurse License was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2016,  
26 unless renewed.

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**JURISDICTION**

3. This Accusation is brought before the Board of Registered Nursing, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

2. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

3. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

**STATUTORY PROVISIONS**

4. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license.

5. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

///

///

1 **COST RECOVERY**

2 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Dangerous Use of Alcohol)

10 7. Respondent is subject to discipline pursuant to Code section 2761(a), on the grounds  
11 of unprofessional conduct as defined in Code section 2762(b), in that Respondent used an  
12 alcoholic beverage to an extent or in a manner dangerous or injurious to herself and the public  
13 when she operated a vehicle with a blood alcohol level of 0.22%. Specifically, on or about  
14 April 11, 2014, in the course of investigating a report of an individual driving erratically, the  
15 Colusa Police Department observed Respondent swerving as she drove down the street. The  
16 enforcement officer observed that Respondent's eyes were red and watery, her speech slurred, a  
17 strong odor of an alcoholic beverage emanated from her, and she had a cup of soda that smelled  
18 alcoholic. Respondent explained that the soda was mixed with vodka. Respondent told the officer  
19 that as a nurse she would lose her job if she were arrested, and pleaded to the officer, "give me a  
20 break". Respondent discontinued the field sobriety tests after nearly falling in an attempt to  
21 perform them.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Out-of-State Discipline)

24 8. Respondent is subject to discipline pursuant to Code section 2761(a)(4), on the  
25 grounds of unprofessional conduct, in that effective April 23, 2010, the State of Texas Board of  
26 Nursing, in a disciplinary action entitled, *In the Matter of Temporary License Nurse License*  
27 *Number 122421 issued to Anne Therese Lantz*, Respondent was ordered to successfully complete  
28 the Texas Peer Assistance Program in lieu of the sanction of Revocation. The disciplinary action

1 was based on Respondent's failure on or about January 14, 2009, to answer "yes" on her on-line  
2 endorsement application to the Texas Board of Nursing, to a question asking whether within the  
3 past five years she had been addicted to and/or treated for the use of alcohol or any other drug. On  
4 her Endorsement Application for Registered Nurses to the Texas Board of Nursing, submitted on  
5 or about November 11, 2009, Respondent answered "yes" to that same question, and explained  
6 that she entered a residential treatment facility in or around 2007 for problems related to alcohol  
7 consumption.

8 **THIRD CAUSE FOR DISCIPLINE**

9 (False Statement or Information in Connection with License Renewal)

10 9. Respondent is subject to discipline pursuant to Code section 2761(e), on the grounds  
11 of unprofessional conduct, in that Respondent answered "No" on her online renewal application  
12 for the period January 2012 through January 31, 2014, which asks, "Since you last renewed your  
13 license [January 2010 through January 31, 2012], have you had any license disciplined by a  
14 government agency or other disciplinary body. . . ?" In fact, Respondent was disciplined by the  
15 Texas Board of Nursing, as set forth in paragraph 8, above.

16 **PRAYER**

17 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Revoking or suspending Registered Nurse License Number 681016 issued to Anne  
20 Therese Lantz;
- 21 2. Ordering Anne Therese Lantz to pay the Board of Registered Nursing the reasonable  
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
23 Code section 125.3; and,

24 ///

25 ///

26 ///


27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. Taking such other and further action as deemed necessary and proper.

DATED: July 16, 2014

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2013705358