

IN THE MATTER OF PERMANENT  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 642996  
ISSUED TO JESSICA JOY WIESE,  
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: JESSICA JOY WIESE  
3403 BROADVIEW CT.  
MCKINNEY, TX 75070

During open meeting held in Austin, Texas, on **June 16, 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 642996, previously issued to JESSICA JOY WIESE, 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 16th day of June, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 26, 2015.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 642996  
Issued to JESSICA JOY WIESE  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 19 day of June, 2015, 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

JESSICA JOY WIESE  
3403 BROADVIEW CT.  
MCKINNEY, TX 75070

Via USPS First Class Mail



BY:

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

In the Matter of  
Permanent Registered Nurse  
License Number 642996  
Issued to JESSICA JOY WIESE,  
Respondent

§ BEFORE THE TEXAS  
§  
§  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JESSICA JOY WIESE, is a Registered Nurse holding License Number 642996, 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 16, 2014, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on September 12, 2014. Noncompliance is the result of Respondent's failure to enroll in the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number One (1) of the Agreed Order dated September 12, 2014, states:

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, 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 and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(11)(B).

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).

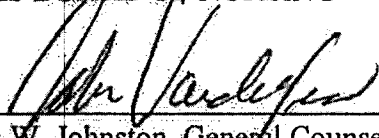
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, 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: Order dated September 12, 2014.

Filed this 26 day of March, 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) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated September 12, 2014

D(2015.02.24)

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Registered Nurse License Number 642996  
issued to JESSICA JOY WIESE

§ CONFIDENTIAL  
§ AGREED ORDER FOR  
§ PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JESSICA JOY WIESE, Registered Nurse License Number 642996, hereinafter referred to as Respondent,

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered under the authority of Section 301.466(d), Texas Occupations Code, and approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 10, 2013.

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(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 an Associate Degree in Nursing from Rochester Community College, Rochester, Minnesota, on March 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 1997.

5. Respondent's professional nursing employment history includes:

07/97 - 06/07	RN	Medical Center of Plano Plano, Texas
06/07 - 12/12	RN	Baylor Medical Center Frisco, Texas
01/13 - 03/13	Unknown	
04/13 - 07/13	RN	Denton Regional Medical Center Denton, Texas
08/13 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baylor Medical Center at Frisco, Frisco, Texas, and had been in this position for five (5) years and five (5) months.

7. On or about November 26, 2012, through November 27, 2012, while employed as a Staff Nurse with Baylor Medical Center at Frisco, Frisco, Texas, and assigned to the Labor and Delivery unit, Respondent withdrew four (4) tablets of Percodan 5/325mg and two (2) tablets of Percocet 5/325 from the Medication Dispensing System (Pyxis) for Patient Account Numbers F00002775781 and F00002664738, but failed to document, or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR). Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about November 26, 2012, through November 27, 2012,, while employed as a Staff Nurse with Baylor Medical Center at Frisco, Frisco, Texas, and assigned to the Labor and Delivery unit, Respondent withdrew four (4) tablets of Percodan 5/325mg and two (2) tablets of Percocet 5/325 from the Medication Dispensing System (Pyxis) for Patient Account Numbers F00002775781 and F00002664738, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about November 26, 2012, through November 27, 2012, while employed as a Staff Nurse with Baylor Medical Center at Frisco, Frisco, Texas, and assigned to the Labor and Delivery unit, Respondent misappropriated Percodan and Percocet, belonging to the facility and patients thereof or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code

10. On or about November 28, 2012, while employed as a Staff Nurse with Baylor Medical Center at Frisco, Frisco, Texas, and assigned to the Labor and Delivery unit, Respondent engaged in the intemperate use of Amphetamine, Benzodiazepine, and Oxycodone, in that she submitted a specimen for a reasonable suspicion drug screen, which resulted positive for Amphetamine, Benzodiazepine, and Oxycodone. Possession of Amphetamine, Benzodiazepine, and Oxycodone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Amphetamine, Benzodiazepine, and Oxycodone 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.
11. On or about May 13, 2013, through May 14, 2013, while employed with Denton Regional Medical Center, Denton, Texas, and assigned to the Labor and Delivery Unit, Respondent withdrew Hydrocodone BITART/APAP 5/325 from the Medication Dispensing System (Pyxis) for Patient Account Numbers G00112097351, G00112097301, and G00112099090, but failed to document, or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR). Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
12. On or about May 13, 2013, through May 14, 2013, while employed with Denton Regional Medical Center, Denton, Texas, and assigned to the Labor and Delivery Unit, Respondent withdrew Hydrocodone BITART/APAP 5/325 from the Medication Dispensing System (Pyxis) for Patient Account Numbers G00112097351, G00112097301, and G00112099090, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
13. On or about May 13, 2013, through May 14, 2013, while employed with Denton Regional Medical Center, Denton, Texas, and assigned to the Labor and Delivery Unit, Respondent misappropriated Percodan and Percocet, belonging to the facility and patients, thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
14. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. 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.



16. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she did not document the administration of Percocet and Percodan because they were not administered to the patients. Respondent states that she did not follow the policy for wastage at Baylor Medical Center because the medications in question were not wasted. Respondent states that she misappropriated Percodan and Percocet for personal use. Respondent feels remorse for her actions and realizes the seriousness of the situation.
17. Formal Charges were filed on October 28, 2013.
18. Formal Charges were mailed to Respondent on October 28, 2013.
19. First Amended Formal Charges were filed on February 6, 2014.
20. First Amended Formal Charges were mailed to Respondent on February 11, 2014.
21. Second Amended Formal Charges were filed on May 20, 2014.
22. Second Amended Formal Charges were mailed to Respondent on May 21, 2014.
23. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
24. 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(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(D) and 217.12(1)(A),(1)(C),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D), (10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 642996, heretofore issued to JESSICA JOY WIBSE, up to, and including, revocation of Respondent's license(s) 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 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, within forty-five (45) days following the date of entry of this final Order, 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 and complete the enrollment process, 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 all applicable license(s) 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 that, while RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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(s) and nurse licensure compact 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(s) 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 action, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

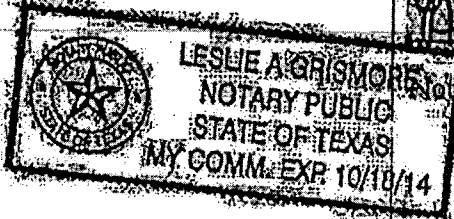
Signed this 10<sup>th</sup> day of September, 2014

Jessica Joy Wiese

JESSICA JOY WIESE, RESPONDENT

Sworn to and subscribed before me this 10<sup>th</sup> day of September, 2014.

SEAL

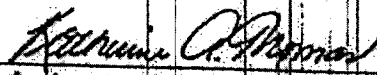


Leslie A. Grismore

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 Confidential Agreed Order for Peer Assistance Program that was signed on the 10<sup>th</sup> day of September, 2014, by JESSICA JOY WIESE, Registered Nurse License Number 642996, and said Order is final.

Entered and effective this 12<sup>th</sup> day of September, 2014.

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