



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.  
*Katherine Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 802939 §  
& Vocational Nurse License Number 223373 §  
issued to WENDI MICHELLE GANN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of WENDI MICHELLE GANN, Registered Nurse License Number 802939 and Vocational Nurse License Number 223373, 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),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 10, 2015.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Blinn College at Bryan, Bryan, Texas, on August 6, 2009, and received an Associate Degree from Blinn College, Bryan, Texas, on May 12, 2011. Respondent was licensed to practice vocational nursing in the State of Texas on August 27, 2009, and was licensed to practice professional nursing in the State of Texas on June 21, 2011.

5. Respondent's nursing employment history includes:

8/2009 - 4/2013	LVN/RN Supervisor/ Acting DON	Lampstand Nursing and Rehabilitation Bryan, Texas
11/2011 - 11/2012	RN	Health Quest Home Health Bryan, Texas
4/2013 - 11/2013	RN	Madisonville Care Center Madisonville, Texas
11/2013 - Unknown	RN	Brazos Valley Home Health College Station, Texas
3/2014 - Unknown	RN	Rock Prairie Behavioral Health College Station, Texas
Unknown	RN	Gracy Woods Nursing Center Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Rock Prairie Behavioral Health, College Station, Texas, and had been in that position for six (6) months.
7. On or about September 23, 2014, while employed as a Registered Nurse with Rock Prairie Behavioral Health, College Station, Texas, Respondent misappropriated Hydrocodone tablets belonging to the facility and patients thereof, in that she admitted to removing Hydrocodone from the Medication Dispensing System (Pyxis) to meet her addiction. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
8. On or about September 26, 2014, while employed as a Registered Nurse with Rock Prairie Behavioral Health, College Station, Texas, Respondent lacked fitness to practice professional nursing in that she admitted to being addicted to Hydrocodone. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about September 26, 2014, while employed as a Registered Nurse with Rock Prairie Behavioral Health, College Station, Texas, Respondent engaged in the intemperate use of Opiates in that she provided a specimen for a random drug screen which resulted positive for Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates 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.

10. On or about April 8, 2015, through May 7, 2015, while employed as a Registered Nurse with Gracy Woods Nursing Center, Austin, Texas, and while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent removed Norco 5/325 mg tablets from the Medication Dispensing System for Residents, but failed to document and/or accurately and completely document the administration of the Norco on the residents' Medication Administration Records and/or Pain Management Flow Sheets. Respondent subsequently admitted to signing out Norco for the residents. 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. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code.
11. On or about April 8, 2015, through May 7, 2015, while employed as a Registered Nurse with Gracy Woods Nursing Center, Austin, Texas, and while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent misappropriated Norco 5/325 mg tablets 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 of the cost of the medications.
12. Respondent admits to findings of Fact Numbers Seven (7) through Ten (10). Respondent voluntarily entered La Hacienda Rehabilitation in College Station and successfully completed the six week outpatient program. Respondent self reported to the Texas Peer Assistance Program for Nurses (TPAPN) and has been active in the program since October 2014. Respondent has completed her ninety (90) meetings in ninety (90) days and attends meetings four (4) times a week. All drug screens have been negative.

In response to Finding of Fact Number Eleven (11), Respondent states that the misappropriation of narcotics is completely false. Respondent states that the medications went missing from work and she was put on suspension pending investigation. She took drug screens for work and TPAPN that day, and they were both clear. She was allowed to return to work. Respondent states that she is still going to meetings and she is eleven (11) months sober as of August.

13. Respondent states she is eleven (11) months sober as of August as indicated in Finding of Fact Number Twelve (12).
14. Formal Charges were filed on May 19, 2015.
15. Formal Charges were mailed to Respondent on May 19, 2015.

16. 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.
  17. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
  18. 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 substance use disorder.
  19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
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### 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 to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(8),(10)(A),(10)(B),(10)(D),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 802939 and Vocational Nurse License Number 223373, heretofore issued to WENDI MICHELLE GANN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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.

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## TERMS OF ORDER

### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 802939 and Vocational Nurse License Number 223373, previously issued to WENDI MICHELLE GANN, to practice nursing in Texas are hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

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- A. ~~**Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN),**~~ including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
  - B. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such a time as is required for RESPONDENT to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. 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.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- H. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the suspension being stayed:**

**A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

## IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is

reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**V. EFFECT OF NONCOMPLIANCE**

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 TEMPORARY 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.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

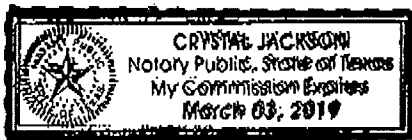
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 09 day of November, 2015.

Wendi Gann  
WENDI MICHELLE GANN, Respondent

Sworn to and subscribed before me this 09 day of November, 2015.

SEAL.



Crystal Jackson  
Notary Public in and for the State of Texas

Approved as to form and substance,

Oscar San Miguel  
Oscar San Miguel, Attorney for Respondent

Signed this 9th day of November, 2015.



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 9<sup>th</sup> day of November, 2015, by WENDI MICHELLE GANN, Registered Nurse License Number 802939 and Vocational Nurse License Number 223373, and said Order is final.

Effective this 12<sup>th</sup> day of November, 2015.



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