



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
JUDITH ANN HEERN,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by JUDITH ANN HEERN, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8),(9)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 13, 2013, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about October 30, 2012, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Southern Illinois Community College, Caterville, Illinois, on August 1, 1985.

4. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*
- A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

5. Petitioner disclosed the following criminal history, to wit:

- A. On or about January 23, 2003, Petitioner entered a plea of Guilty to POSSESSION OF UP TO 45 GRAMS OF MARIJUANA, a Class A misdemeanor offense, in the 24th Judicial Circuit Court of Francois County, Missouri, under Cause No. 02CR615071. As a result of the plea, Petitioner was ordered to pay a fine.

On or about January 23, 2003, Petitioner entered a plea of Guilty to UNLAWFUL USE OF DRUG PARAPHERNALIA, a Class A misdemeanor offense, in the 24th Judicial Circuit Court of Francois County, Missouri, under Cause No. 02CR615071. As a result of the plea, Petitioner was ordered to pay a fine.

On or about January 23, 2003, Petitioner entered a plea of Guilty to DWI-ALCOHOL, a Class B misdemeanor offense, in the 24th Judicial Circuit Court of Francois County, Missouri, under Cause No. 02CR615071. As a result of the plea, the imposition of sentence was suspended and Petitioner was placed on probation for a period of two (2) years.

- B. On or about March 3, 2010, Petitioner was arrested by the Spol-St Trprs Ullin, Illinois, for DUI/ALCOHOL.

On or about APRIL 19, 2010, Petitioner entered a plea of Guilty to DRVG UNDER INFLU OF ALCOHOL, a misdemeanor offense committed on March 3, 2010, in the Circuit Court of Johnson County, Illinois, under Cause No. 2010DT000011D. As a result of the plea, judgment was withheld and Petitioner was placed on probation. On or about May 10, 2011, Petitioner was discharged from probation and the charge was dismissed.

6. There is no evidence of any subsequent criminal conduct.

7. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
8. On or about April 26, 2012, Petitioner entered into an agreement to participate in the Nursing Peer Health Assistance or Nurse Alternative to Discipline Program in lieu of formal disciplinary action with the State Board of Nursing State of Colorado.
9. On or about November 6, 2012, Petitioner was issued an Order of Suspension Pursuant to Section 12-38-131(4), C.R.S., by the State Board of Nursing State of Colorado, suspending Petitioner's nursing license effective November 9, 2012. The disciplinary action was taken as a result of Petitioner's failure to comply with the Nursing Peer Assistance or Nurse Alternative to Discipline Program by failing to sign a PAS Rehabilitation Contract. A copy of the November 6, 2012, Order of Suspension is attached and incorporated by reference as part of this Order.
10. On or about June 20, 2013, Petitioner was issued a Final Order by the State of Florida Board of Nursing, suspending her nursing license until she enters into the Intervention Project for Nurses (IPN), and complies with any and all terms and conditions imposed by IPN. The disciplinary action was taken as a result of Petitioner testing positive for cannabinoids/THC during an employer ordered drug screen on July 28, 2011. Petitioner's license is currently in a delinquent status. A copy of the June 20, 2013, Final Order is attached and incorporated by reference as part of this Order.
11. After considering the action taken by the Colorado and Florida Board's of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
12. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
13. On or about May 12, 2010, Petitioner was admitted to the Substance Abuse Recovery Services for Outpatient Counseling with the diagnosis of Alcohol Abuse. On or about June 18, 2010, Petitioner was discharged from the program.
14. The safety of patients and the public requires that all persons licensed to practice nursing be sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.

15. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
16. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
17. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
18. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
19. The Executive Director considered evidence of Petitioner's substance abuse/chemical dependency, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
20. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
21. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
22. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
23. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about October 30, 2012, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.

3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8),(9)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history substance abuse and/or chemical dependency after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees, PETITIONER SHALL be issued the applicable license(s) to practice nursing in the State of Texas, and said license(s) SHALL BE immediately SUSPENDED and said suspension is ENFORCED until PETITIONER complies with Stipulation Numbers One (1) and Two (2) of this Order:

(1) PETITIONER SHALL apply to and be accepted into the TPAPN 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, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the TPAPN:

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

PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

PETITIONER SHALL 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.

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

IT IS FURTHER AGREED, SHOULD PETITIONER 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 PETITIONER'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 my potential ineligibility for licensure through peer assistance.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

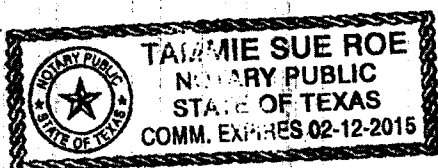
Signed this 7 day of April 2014.

Judith Ann Heern
JUDITH ANN HEERN, PETITIONER

Sworn to and subscribed before me this 7 day of April, 2014.

Tammie Sue Roe
Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 7th day of April, 2014, by JUDITH ANN HEERN, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 18th day of April, 2014.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE STATE BOARD OF NURSING
STATE OF COLORADO



I do hereby certify the
foregoing to be a true copy
of the document which
is on file or is of record
in my office

Ann Marie Smiley 11/9/12
Authorized Signature

Case No. 2012-002394

ORDER OF SUSPENSION PURSUANT TO SECTION 12-38-131(4), C.R.S.

IN THE MATTER OF THE LICENSE TO PRACTICE AS A PROFESSIONAL NURSE IN THE
STATE OF COLORADO OF JUDITH A. HEERN, RN, LICENSE NUMBER 194628,
Respondent.

TO: Judith A. Heern, RN ("Respondent")

Pursuant to section 12-38-131(4), C.R.S., Respondent's license to practice as a professional nurse in the State of Colorado is hereby suspended by the State Board of Nursing ("Board"), effective November 9, 2012, based upon the following:

1. Respondent was licensed to practice as a professional nurse in the State of Colorado on or about March 15, 2010, and was issued license number 194628. Respondent has been licensed at all relevant times therein and is now so licensed.
2. Effective on April 26, 2012, Respondent and the Board entered into an Agreement to Participate in the Nursing Peer Health Assistance or Nurse Alternative to Discipline Program in lieu of formal disciplinary action ("April 2012 Agreement"), which allowed Respondent to participate in the Nursing Peer Health Assistance or Nurse Alternative to Discipline Program, administered by Peer Assistance Services ("PAS"). The conditions of the April 2012 Agreement were imposed pursuant to the authority of section 12-38-117(1)(i), C.R.S.
3. Respondent agreed to be bound by the terms and conditions set forth in the April 2012 Agreement, attached hereto as Attachment 1 and fully incorporated herein by this reference.
4. On May 23, 2012, the Board received information from PAS that Respondent failed to attend or complete the program because she failed to sign a PAS Rehabilitation Contract.
5. Respondent thereby failed to comply with the April 2012 Agreement.

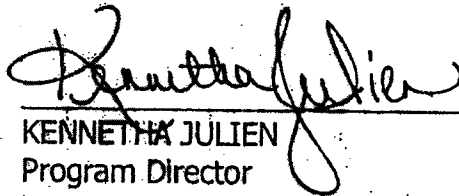
THEREFORE IT IS ORDERED, in accordance with section 121-38-131(4), C.R.S., that the license to practice professional nursing of Judith A. Heern, RN, is suspended

effective 5:00 p.m., November 9, 2012. Any such suspension shall remain in effect until lifted by the Board. The Board shall lift the suspension upon review of evidence establishing that Respondent has resumed compliance with the April 2012 Agreement

COMMENCING AT 5:00 P.M. ON NOVEMBER 9, 2012, RESPONDENT SHALL NOT ENGAGE IN OR PERFORM ANY ACT REQUIRING A COLORADO LICENSE TO PRACTICE PROFESSIONAL NURSING.

DATED AND SIGNED this 6th day of November, 2012.

FOR THE STATE BOARD OF NURSING

A handwritten signature in cursive script, appearing to read "Kenneth Julien", is written over a horizontal line.

KENNETH JULIEN
Program Director
1560 Broadway, Ste 1350
Denver, CO 80202

FILED DATE - JUN 20 2013

Department of Health

By: *[Signature]*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2011-18433

License No.: RN 9266679

JUDITH ANN HEERN,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) June 7, 2013, in Tampa, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$1,439.74. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 19th day of June,

2013.

BOARD OF NURSING

Kelley W. Baker, Jr.
Joe R. Baker, Jr.
Executive Director for
Ann-Lynn Denker, PhD, ARNP
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JUDITH ANN HEERN, 1003 Villa Court, Carbondale, IL 62901 and 1165 E. Adoue St., Alvin, TX 77511; IPN, P.O. Box 49130, Jacksonville, FL 32240; and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Jodi-Ann Johnson, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 20th day of June, 2013.

Brygel Sanders

Deputy Agency Clerk

Carbondale, IL 62901

7012 3460 0000 4256 0336

Alvin, TX 77511

7012 3460 0000 4256 0343



TO: Cassandra G. Pasley, BSN, JD, Chief
Bureau of Health Care Practitioner Regulation

FROM: Joe Baker, Jr., Executive Director
Florida Board of Nursing

DATE: June 12, 2013

RE: Delegation of Authority

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During my absence on Thursday, June 13, 2013, through Wednesday, June 19, 2013, the following managers are delegated authority for the board office:

6/13	William Spooner	Program Ops Administrator
6/14-17	Robert Johnson	Program Ops Administrator
6/18	Mr. Spooner	
6/19	Mr. Johnson	

Thank you.

JBjr/ms

STATE OF FLORIDA
BOARD OF NURSING

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2011-18433

JUDITH ANN HEERN, R.N.,

Respondent.

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a Registered Nurse in the State of Florida holding license number 9266679.

2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456 and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

STIPULATED LAW

1. Respondent admits that she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Respondent must pay investigative costs not to exceed **ONE THOUSAND FOUR HUNDRED THIRTY-NINE DOLLARS AND SEVENTY-FOUR CENTS (\$1,439.74)** within **one (1) year** from the date of entry of the Final Order. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal Checks shall **NOT** be accepted.

2. The license of **JUDITH ANN HEERN, R.N.**, is suspended and shall remain suspended until such time that Respondent enters into the Intervention Project for Nurses (IPN), and complies with any and all terms and conditions imposed by IPN. At such time the suspension shall be stayed and remain stayed as long as the Respondent participates in the IPN. It is the duty of the Respondent to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620, within 30 days from the date of entry of this order. The Respondent shall comply with all

conditions of the IPN Advocacy Contract or she will be in violation of the Board Order.

3. Termination from IPN shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order and the Respondent's appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing. The Board reserves the right to impose reasonable conditions of reinstatement at the time of appearance before the Board.

4. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

5. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

6. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to, and consideration of, this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

7. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Agreement relates solely to

the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

8. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

9. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 4th day of March, ~~2012~~ ²⁰¹³.

Judith Ann Heern RD
JUDITH ANN HEERN, R.N.

Before me personally appeared JUDITH ANN HEERN whose identity is known to be by TX DRIVERS LICENSE (type of Identification), and who under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 4 day of MARCH, 2012-2013

Darlene K Childress
Notary Public

My Commission Expires: 3-09-2013

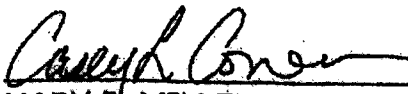


APPROVED this 5th day of March, 2018

H. FRANK FARMER, JR., M.D., Ph.D., F.A.C.P.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Attorney Supervisor
Prosecution Services Unit


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Facsimile: (850) 245-4683
Email: Mary_Miller@doh.state.fl.us

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-18433

JUDITH ANN HEERN, R.N.,

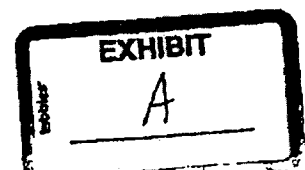
RESPONDENT.

ADMINISTRATIVE COMPLAINT

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

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

2. At all times material to this Complaint, Respondent was a registered nurse (R.N.) in the State of Florida, having been issued license number 9266679.



3. Respondent's address of record is 1003 Villa Court, Carbondale, Illinois, 62901.

4. At all times material to this Order, Respondent was employed as a registered nurse by Raulerson Hospital in Okeechobee, Florida.

5. On or about July 28, 2011, Respondent was required to submit to an employer-ordered drug screen.

6. On or about July 28, 2011, Respondent provided a urine specimen for use in the drug test.

7. On or about August 8, 2011, Raulerson Hospital's Medical Review Officer verified that Respondent's drug test returned positive for cannabinoids/THC.

8. Cannabinoids are the psychoactive ingredients found in cannabis. According to Section 893.03(1), Florida Statutes, cannabis is a Schedule I controlled substance that has a high potential for abuse and has no currently accepted medical use in treatment in Florida. Its use under medical supervision does not meet accepted safety standards.

9. Tetrahydrocannabinols (THC) are the psychoactive ingredients in marijuana, or cannabis. According to Section 893.03(1), Florida Statutes, THC is a Schedule I controlled substance that has a high potential

for abuse and has no currently accepted medical use in treatment in Florida. Its use under medical supervision does not meet accepted safety standards.

10. On or about August 8, 2011, Raulerson Hospital's Medical Review Officer notified Respondent that her employer-ordered drug screen taken on or about July 28, 2011, returned positive for cannabinoids/THC.

11. Respondent has not provided Raulerson Hospital's Medical Review Officer or the Department with prescriptions and legitimate medical reasons for using cannabinoids/THC.

12. Section 464.018(1)(h), Florida Statutes (2011), provides that unprofessional conduct, as defined by board rule, constitutes grounds for discipline.

13. Rule 64B9-8.005(12), Florida Administrative Code, provides that unprofessional conduct includes testing positive for any drugs under Chapter 893, Florida Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drug.

14. Respondent tested positive for cannabinoids/THC, on an employer ordered drug screen administered on or about July 28, 2011, 2011. Respondent did not have a prescription for cannabinoids/THC, and

did not have a legitimate medical reason for using cannabinoids/THC.

15. Based on the foregoing, Respondent violated Section 464.018(1)(h), Florida Statutes, unprofessional conduct, as defined by Rule 64B9-8.005(12), Florida Administrative Code, to include testing positive for any drugs under Chapter 893, Florida Statutes, on any drug screen when the nurse does not have a prescription and legitimate medical reason for using such drugs.

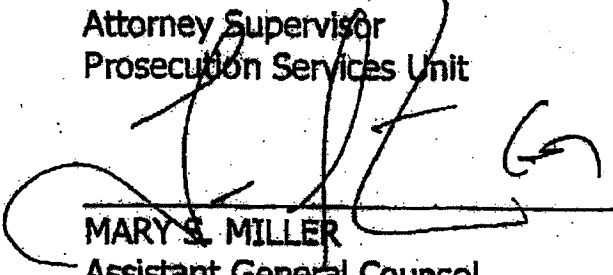
WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the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

SIGNED this 29th day of December, 2011.

H. FRANK FARMER, JR., M.D., Ph.D., F.A.C.P.
State Surgeon General
Florida Department of Health

NICHOLAS W. ROMANELLO
General Counsel
Florida Department of Health

WM. FREEMAN MILLER
Attorney Supervisor
Prosecution Services Unit


MARY S. MILLER
Assistant General Counsel
Fla. Bar No. 0780420
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, Florida 32399-3265
Telephone (850) 245 - 4640
Facsimile (850) 245 - 4683
Email: Mary_Miller2@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK C. R. Carr
DATE 12-30-11

/MSM
PCP: 12/29/11
PCP Members:

Horne
Horton

NOTICE OF RIGHTS

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

NOTICE REGARDING ASSESSMENT OF COSTS

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

STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-13-1326-5 -MOA
FILED DATE JUL 22 2013
Department of Health
By: [Signature]
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2012-16799
License No.: RN 9266679

JUDITH ANN HEERN,

Respondent.

FINAL ORDER


THIS CAUSE came before the BOARD OF NURSING (Board) June 7, 2013, in Tampa, Florida, for the purpose of considering a settlement agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the settlement agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the settlement agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference. The costs are \$328.00. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the settlement agreement.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 22nd day of July, 2013.

BOARD OF NURSING


Joe R. Baker, Jr.
Executive Director for
Ann-Lynn Denker, PhD, ARNP
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to JUDITH ANN HEERN, 1165 E. Adoue St., Alvin, TX 77511 and 1003 Villa Court, Carbondale, IL 62901; IPN, P.O. Box 49130, Jacksonville, FL 32240; and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Jodi-Ann Johnson, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 22nd day of July, 2013.

1165 E. Adoue St.

7012 3050 0001 9298 4119

1003 Villa Court



Deputy Agency Clerk



TO: Cassandra G. Pasley, BSN, JD, Chief
Bureau of Health Care Practitioner Regulation

FROM: Joe Baker, Jr., Executive Director
Florida Board of Nursing

DATE: July 19, 2013

RE: Delegation of Authority

During my absence for the week of July 22, 2013, the following managers are delegated authority for the board office:

7/22	Robert Johnson	Program Ops Administrator
7/23	Will Spooner	Program Ops Administrator
7/24	Mr. Johnson	
7/25	Mr. Spooner	
7/26	Mr. Johnson	

Thank you.

JBjr/ms

**STATE OF FLORIDA
BOARD OF NURSING**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2012-16799

JUDITH ANN HEERN, R.N.,

Respondent.

SETTLEMENT AGREEMENT

Pursuant to Section 120.57(4), Florida Statutes, the above named parties hereby offer this Agreement to the Board of Nursing as disposition of the Administrative Complaint, attached hereto as Exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Agreement is issued by the Board and filed. In considering this Agreement, the Board may review all investigative materials regarding this case. If this Agreement is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent is a **registered nurse** in the State of Florida holding license number **9266679**.

2. The Respondent is charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapters 456 and/or 464, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the factual allegations contained in the Administrative Complaint.

STIPULATED LAW

1. Respondent admits that he/she is subject to the provisions of Chapters 456 and 464, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the stipulated facts, if proven true, constitute violations of laws as alleged in the Administrative Complaint.

3. Respondent admits that the Agreement is a fair, appropriate and reasonable resolution to this pending matter.

PROPOSED DISPOSITION

1. The Respondent must pay investigative costs not to exceed **seven hundred dollars (\$700.00)** within **one (1) year** from the date of entry of the Final Order. Payment shall be made to the Board of Nursing

and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. **Payment must be made by cashier's check or money order ONLY.** Personal Checks shall **NOT** be accepted.

2. The license of **Judith Ann Heern, R.N.**, is suspended and shall remain suspended until such time that Respondent enters into the Intervention Project for Nurses (IPN), and complies with any and all terms and conditions imposed by IPN. At such time the suspension shall be stayed and remain stayed as long as the Respondent participates in the IPN. It is the duty of the Respondent to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620, within 30 days from the date of entry of this order. The Respondent shall comply with all conditions of the IPN Advocacy Contract or she will be in violation of the Board Order.

3. Termination from IPN shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in any previous Board Order and the Respondent's appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing. The Board reserves the right to impose

reasonable conditions of reinstatement at the time of appearance before the Board.

4. The Respondent shall not violate Chapter 456 or 464, Florida Statutes, the rules promulgated pursuant thereto, any other state or federal law, rule, or regulation relating to the practice or the ability to practice nursing. Violation of an order from another state/jurisdiction shall constitute grounds for violation of the Board Order adopting this Agreement.

5. It is expressly understood that this Agreement is subject to the approval of the Board and Department and has no force and effect until an Order is entered adopting the Agreement.

6. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action by the Board of Nursing regarding the acts or omissions specifically set forth in the Administrative Complaint attached hereto. In this regard, Respondent authorizes the Board to review and examine all Investigative file materials concerning Respondent prior to, or in conjunction with, consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to, and consideration of, this Agreement and

other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. Respondent shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law.

7. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached hereto. This Agreement relates solely to the current disciplinary proceedings arising from the above-mentioned Administrative Complaint and does not preclude further action by other divisions, departments, and/or sections of the Department, including but not limited to the Agency for Health Care Administration's Medicaid Program Integrity Office.

8. The Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

9. Respondent waives all rights to appeal and further review of this Agreement and these proceedings.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 22 day of April, 2013.

Judith Ann Heern, R.N.
Judith Ann Heern, R.N.

Before me personally appeared JUDITH ANN HEERN whose identity is known to be by TEXAS LICENSE (type of identification), and who under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed by Respondent before me this 22 day of APRIL, 2013.

Darlene K Childress
Notary Public

My Commission Expires: 3-09-2017

APPROVED this 30th day of April, 2013.

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

Michael G. Lawrence, Jr.
MICHAEL G. LAWRENCE, JR.

Assistant General Counsel

Fla. Bar No. 0011265

Florida Department of Health

Office of the General Counsel

4052 Bald Cypress Way, Bin #C65

Tallahassee, FL 32399-3265

Telephone: (850) 245-4640

Facsimile: (850) 245-4683

Email: michael_lawrence@doh.state.fl.us

2013 APR 26 AM 9:06

PROCTORED
LEGAL

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2012-16799

JUDITH ANN HEERN, R.N.,

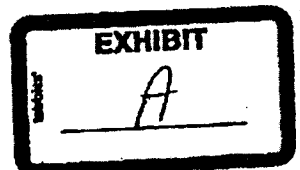
RESPONDENT.

ADMINISTRATIVE COMPLAINT

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

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

2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9266679.



3. Respondent's address of record is 1003 Villa Court, Carbondale, IL 62901.

4. The Colorado State Board of Nursing is the licensing authority of the practice of nursing in the state of Colorado.

5. Respondent's Colorado nursing license is 194628.

6. On or about November 6, 2012, the Colorado State Board of Nursing issued an Order of Suspension of Respondent's Colorado license in case number 2012-002394.

7. The Order of Suspension suspended Respondent's Colorado nursing license.

8. Section 464.018(1)(b), Florida Statutes (2012), provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country constitutes grounds for disciplinary action.

9. Respondent had a license to practice nursing revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country when the Colorado State Board of Nursing issued

an Order of Suspension on or about November 6, 2012, which suspended Respondent's Colorado nursing license.

10. Based on the foregoing, Respondent violated Section 464.018(1)(b), Florida Statutes (2012), by having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

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

SIGNED this 20th day of March, 2013.

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



MICHAEL G. LAWRENCE, JR.
Assistant General Counsel
Fla. Bar No. 0011265

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE MAR 21 2013

Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4683
Email: michael_lawrence@doh.state.fl.us

/MGL

PCP: March 20, 2013
PCP Members: Habgood & Kemp

NOTICE OF RIGHTS

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

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