



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 ORDER |
| HOLLY WERSTEIN, | § | |
| Registered Nurse License Number 839799 | § | FOR |
| & PETITIONER for Eligibility | § | |
| for Advanced Practice Licensure | § | DISCIPLINE & ELIGIBILITY |

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 839799 and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, and supporting documents filed by HOLLY WERSTEIN, 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 subject to discipline and ineligible for advanced practice licensure/authorization pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on February 2, 2016, in accordance with Section 301.464, Texas Occupations Code. PETITIONER appeared in person. PETITIONER was represented by Richard E. Werstein, Attorney at Law.

PETITIONER waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 22, 2016.

FINDINGS OF FACT

1. On or about August 17, 2015, PETITIONER submitted an Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b). Petitioner does not want said application evaluated for prescription authorization.

2. Petitioner waived notice and hearing and consented to the entry of this Order.
3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status.
4. Petitioner received a Baccalaureate Degree in Nursing from the University of Texas, Austin, Texas, on May 18, 2013; and Petitioner received a Master's Degree in Nursing from the University of Texas, Austin, Texas, on August 17, 2015. Petitioner was licensed to practice professional nursing in the State of Texas on July 2, 2013.

5. Petitioner's professional nursing employment history includes:

| | | |
|-----------------|----------------|---|
| 07/13 - 11/13 | RN Resident | Seton Versant Psychiatric RN Residency Austin, Texas |
| 11/13 - 07/15 | Psychiatric RN | Seton Shoal Creek Austin, Texas |
| 08/15 - Present | Unknown | |

6. On or about October 21, 2015, after completing and passing her Board exams, Petitioner misrepresented herself as having a Pediatric Psychiatric Nurse Practitioner license on an online LinkedIn profile, in that Petitioner was not currently recognized by the Board as an advanced practice registered nurse in the State of Texas. Petitioner's conduct deceived the public in that they believed her nursing practice was in compliance with all Board Rules and Regulations.
7. On or about September 2015, while licensed as a registered nurse in the State of Texas, Petitioner inappropriately disclosed confidential, sensitive and protected health information, including patient initials, on a LinkedIn profile. Petitioner's conduct was contrary to laws intended to ensure confidentiality of patient information, Health Insurance Portability and Accountability Act of 1996 (HIPAA), Title 45, Code of Federal Regulations, Parts 160 and 164, *et seq.*
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Petitioner states she has used JF as her author, activist and mental health non-profit founder pseudonym. Petitioner states the JF LinkedIn profile is for the sole purpose of furthering her mission to serve children with mental health issues and who cannot afford treatment. Petitioner states that she used the title of Pediatric Psychiatric Nurse Practitioner on the LinkedIn profile of JF and not on her own personal LinkedIn account. Petitioner adds that she has not intentionally misrepresented herself as a Psychiatric APRN to patients, potential patients, medical practitioners, colleagues, past professors, or anyone within the medical community. Petitioner further states that as soon as this matter came to her attention, she immediately removed the title. Petitioner also states that the "patient" she refers to is a composite that primarily reflects on her own life experiences. Petitioner states she did not write about any one patient, nor did she use actual initials. Petitioner adds that she has since removed that information from JF's LinkedIn page.

9. On or about February 17, 2016, Petitioner underwent a Psychological Evaluation with Brian E. Pope, Ph.D., wherein Dr. Pope advised that Petitioner fully understands why her conduct was not appropriate, and the relevant lessons appear to have been fully learned and internalized. Dr. Pope further advised that there was not evidence in the testing of any major psychopathology that would bear negatively upon Petitioner's ability to perform her nursing duties "with reasonable skill and safety." Dr. Pope further advised that Petitioner could benefit from participation in a continuing education course focusing on full awareness of the Board rules and the rationale and need to follow them with the utmost diligence and care to avoid any indication of impropriety; and perhaps a similar course in HIPAA compliance, again to obtain awareness that potentially sensitive materials can be written and held out in such a way as to avoid any appearance of violation of client confidentiality.
10. 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.
11. 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.
12. 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 August 17, 2015, PETITIONER submitted an Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b). Petitioner does not want said application evaluated for prescription authorization.
3. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(E) and 217.12(6)(H).
4. 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.

5. 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).

TERMS OF ORDER

I. REMEDIAL ACTION AND ELIGIBILITY

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL undergo **REMEDIAL EDUCATION** in accordance with the terms of this Order, and upon successful completion and meeting all other applicable requirements, PETITIONER'S applicable license to practice nursing in the State of Texas shall be unencumbered.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER agrees to obtain, read, and 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.

- A. Until successfully complete, any and all licenses issued to PETITIONER shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. After the effective date of this agreed order, PETITIONER 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 PETITIONER wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically**

indicated:

- A. **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.
- B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.
- C. **The course "Patient Privacy,"** a 5.4 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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.*

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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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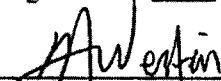
PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. In connection with my application and/or petition, 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 and 213.29. 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 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 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.

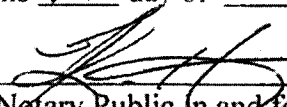
I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 27 day of May, 2016.



Holly Verstein, PETITIONER

Sworn to and subscribed before me this 27th day of May, 2016.



Notary Public in and for the State of Texas



Approved as to form and substance.

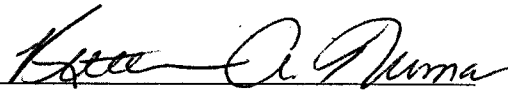


Richard E. Werstein, Attorney for Respondent

Signed this 29th day of May, 2016.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order for Discipline and Eligibility that was signed on the 27th day of May, 2016, by HOLLY WERSTEIN, Registered Nurse License Number 839799 and PETITIONER for eligibility for Advanced Practice Licensure, and said Order is final.

Effective this 3rd day of June, 2016.



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