

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Vocational Nurse License Number 77050	§	
issued to JOAN MARIE WEESE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOAN MARIE WEESE, Vocational Nurse License Number 77050, 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)(10)&(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 December 13, 2016.

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.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College School of Vocational Nursing, Amarillo, Texas, on March 11, 1977. Respondent was licensed to practice vocational nursing in the State of Texas on May 17, 1978.
5. Respondent's vocational nursing employment history includes:

05/78 - 04/09	Unknown
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Respondent's vocational nursing employment history continued:

05/09 - 12/15	LVN	Baylor University Medical Center Irving, Texas
01/16 - 05/16	LVN	Mesquite Family Healthcare Mesquite, Texas
06/16 - Present	Unknown	

6. On or about June 12, 2001, Respondent was issued the sanction of a FINE by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 12, 2001, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Mesquite Family Healthcare, Mesquite, Texas, and had been in that position for three (3) months.
8. On or about April 2016, while employed as a Licensed Vocational Nurse with Mesquite Family Healthcare, Mesquite, Texas, Respondent submitted electronic prescriptions for Topamax, Renexa, and Carvedilol for Patients DE and PH, without authorization from the physician. Respondent's conduct was likely to deceive the pharmacy and may have injured the patients in that taking a medication without a physician's order could result in the patients' suffering from adverse reactions.
9. On or about April 2016, while employed as a Licensed Vocational Nurse with Mesquite Family Healthcare, Mesquite, Texas, Respondent attempted to prescribe Concerta for Patient DE, by sending a fraudulent electronic prescription, utilizing the name and Drug Enforcement Agency (DEA) number assigned to Sharon Kirven, M.D. Additionally, Respondent inappropriately changed the dose of Concerta 36mg Extended Release (ER) from one (1) time and day to three (3) times a day, without physician authorization. Respondent's conduct was likely to deceive the pharmacy and may have injured the patient in that taking a medication in excess of the physician's order could result in the patient suffering from adverse reactions.
10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states she had just started working for Mesquite Family Healthcare in January 2016 and the computer system was new to her. Respondent admits she made some errors but claims she caught them and corrected them. Respondent further admits she made an error and changed the quantity of Concerta for a patient. Respondent adds that since Concerta requires a hand-written triplicate, the patient was not affected by her error.

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),(B),(C)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(10)(B)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 77050, heretofore issued to JOAN MARIE WEESE.
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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. 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 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. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. **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.

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.*

IV. 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.

BALANCE OF THIS 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. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of January, 2017.

Joan Marie Weese
JOAN MARIE WEESE, Respondent

Sworn to and subscribed before me this 28 day of Jan., 2017.

SEAL



Richard Swanner
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 ratify and adopt the Agreed Order that was signed on the 28th day of January, 2017, by JOAN MARIE WEESE, Vocational Nurse License Number 77050, and said Order is final.

Effective this 2nd day of February, 2017.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

JOAN MARIE WEESE

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§
§

STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 077050 held by JOAN MARIE WEESE, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402(a)(10), in the following manner:

I.

- a. Respondent's license to practice vocational nursing in the state of Texas expired on or about January 31, 2000 and became delinquent on or after February 1, 2000.
- b. On or about January 12, 2001, Respondent submitted an application for licensure renewal to the Board office. Said application was to renew Respondent's delinquent license.

II.

- a. Respondent was employed as a Licensed Vocational Nurse with Medical Edge in Garland, Texas to include the dates from about February 1, 2000 through about January 12, 2001.

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b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

Rule 239.11 (a) of the Rules and Regulations of the Board of Vocational Nurse Examiners, states that "Unprofessional Conduct" may include the following acts or omissions:

"(9) practicing vocational nursing in this state without a current Texas license".

Furthermore, the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.351(f) states, "A person who practices vocational nursing after the expiration of the person's license is an illegal practitioner whose license may be revoked or suspended".

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

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RE: JOAN MARIE WEESE, LVN #077050
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250.00
fine

00077050

137898

ORDER OF THE BOARD

JUN 06 2001

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that License Number 077050, heretofore issued to JOAN MARIE WEESE, to practice vocational nursing in the State of Texas be, and the same is hereby issued an administrative fine in the amount of two-hundred and fifty dollars (\$250.00). Said fine shall be in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners, within thirty (30) days of the date of the Board's endorsement of this Order. Said fee shall be sent to the Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 31 day of May, 2001.

Joan Weese
Signature of Respondent

704 Kevin Cui
Current Address

Mesquite TX 75749
City, State and Zip

(972) 285-7828
Area Code and Telephone Number

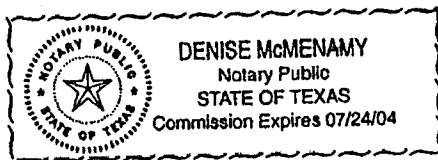
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The State of Texas

County of Dallas

Before me, the undersigned authority, on this day personally appeared JOAN MARIE WEESE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

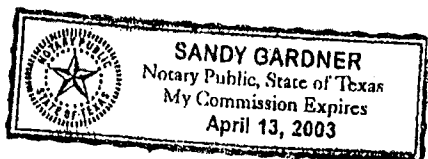
SWORN TO AND SUBSCRIBED before me on this the 31st day of May, 2004.



Denise McMenemy
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires July 24, 2004

Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 7th day of June, 2004.

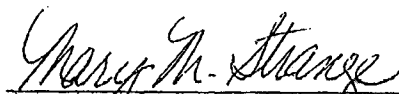


Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,
notarized on the 31st day of May, 2001 by Respondent, license number 077050 and that Said
Order is Final.

Effective this 12th day of June, 2001



Mary M. Strange, R.N., M.S.N.
Executive Director
On Behalf of Said Board

BOARD ORDER

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2001, a true and correct copy of the foregoing
BOARD ORDER was served by placement in the U.S. Mail, first class, and addressed to the
following person(s):

JOAN MARIE WEESE
704 KEVIN CIRCLE
MESQUITE, TX 75149



Mary M. Strange, R.N., M.S.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners