

IN THE MATTER OF PERMANENT
REGISTERED NURSE
LICENSE NUMBER 774077
ISSUED TO
SYLVIA ANN WETTMARSHAUSEN,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: SYLVIA ANN WETTMARSHAUSEN
2600 ELLINGTON RIDGE CT
EVANSVILLE, TX 47711

During open meeting held in Austin, Texas, on September 11, 2018, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 774077, previously issued to SYLVIA ANN WETTMARSHAUSEN, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 11th day of September, 2018.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charges filed June 22, 2018.

d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 774077
Issued to SYLVIA ANN WETTMARSHAUSEN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2018, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

SYLVIA ANN WETTMARSHAUSEN
2600 ELLINGTON RIDGE CT
EVANSVILLE, TX 47711

Via USPS First Class Mail

SYLVIA ANN WETTMARSHAUSEN
2600 ELLINGTON RIDGE CT
EVANSVILLE, TX 47711

BY:



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

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 774077 §
Issued to SYLVIA ANN WETTMARSHAUSEN, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SYLVIA ANN WETTMARSHAUSEN, is a Registered Nurse holding License Number 774077, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 23, 2016, while contracted as a Registered Nurse with Aureus Nursing, Omaha, Nebraska, Respondent submitted a Health Screening form where she had altered the dates. Respondent changed the dates on the form from August 13, 2015 to show May 16, 2016. Respondent's conduct was likely to deceive her employer and could have affected their decision to employ Respondent.

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

CHARGE II.

On or about January 4, 2018, Respondent's Kentucky Registered Nurse License was issued a Reprimand and a Fee by the Kentucky Board of Nursing, Louisville, Kentucky. A copy of the Final Order dated January 4, 2018, is attached and incorporated by reference as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE III.

On or about January 25, 2018, Respondent's Ohio Registered Nurse License was issued a Reprimand by the Ohio Board of Nursing, Columbus, Ohio. A copy of the Final Order dated January 25, 2018, is attached and incorporated by reference as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

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

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated January 4, 2018, and January 25, 2018.

Filed this 22nd day of June, 2018.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Jessica DeMoss, Assistant General Counsel
State Bar No. 24091434

Helen Kelley, Assistant General Counsel
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel
State Bar No. 24081149

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-8657

F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated January 4, 2018.
Order of the Board dated January 25, 2018.

D(2018.04.12)

KENTUCKY BOARD OF NURSING

AGREED ORDER
CASE # 2016-1820

IN RE: SYLVIA ANN WETTMARSHAUSEN

RN LICENSE # 1130950
(LAPSED 10/31/2017)

The Kentucky Board of Nursing, hereinafter referred to as the Board, has probable cause to believe that Sylvia Ann Wettmarshausen has violated KRS Chapter 314. Sylvia Ann Wettmarshausen, hereinafter referred to as Ms. Wettmarshausen, desiring to avoid a formal administrative hearing, enters into this Agreed Order with the Board.

Ms. Wettmarshausen agrees and stipulates to the following facts for the limited purpose of this Agreed Order:

A complaint was received in the Board office on June 16, 2016, from Aureus Nursing, Omaha, Nebraska, which indicated Ms. Wettmarshausen was terminated from her position as a registered nurse on May 23, 2016, for forging the date on her submitted physical.

The Board acknowledges receipt of the following: the facility complaint received on June 16, 2016; and the personnel file received July 18, 2016.

On August 10, 2017, the Credentials Review Panel of the Board reviewed this matter and recommended that Board staff seek entry of a Reprimand.

Ms. Wettmarshausen acknowledges these actions are in violation of KRS 314.091(1).

The board shall have the power to reprimand, deny, limit, revoke, probate, or suspend any license or credential to practice nursing issued by the board or applied for in accordance with this chapter or the privilege to practice as a nurse recognized by the board in accordance with this chapter, or to otherwise discipline a licensee, credential holder, privilege holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person:

* * *

(d) has negligently or willfully acted in a manner inconsistent with the practice of nursing;

* * *

(h) has falsified or in a negligent manner made incorrect entries or failed to make essential entries on essential records; [and]

* * *

(j) has violated any of the provisions of this chapter [including 314.021(2)].

REC'D

DEC 22 2017

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Agreed Order
Sylvia Ann Wettmarshausen
Page 2 of 3

Ms. Wettmarshausen has read and reviewed this Agreed Order and has had the opportunity to consult with legal counsel, if desired. Ms. Wettmarshausen understands and agrees to the following conditions for the limited purpose of this Agreed Order:

1. By entering into this Agreed Order, she waives the full panoply of rights of hearing and appeal as authorized by statute, regulation, or court decision. These rights include the right to be present with counsel, to subpoena witnesses, and to confront those against her.
2. A reprimand is issued by the Board, which expresses concern regarding the seriousness of her inappropriate nursing actions.
3. She agrees not to practice nursing in any other state which is a party state to the Nurse Licensure Compact without prior written authorization by the Board and the nursing regulatory authority in the party state in which she wishes to practice.
4. She will pay a civil penalty of five hundred dollars (\$500) to the Board by June 18, 2018.
5. She will provide evidence of successful completion of at least thirty (30) contact hours on Legal and Ethical Issues in Nursing by June 18, 2018. The thirty (30) contact hours are to be in addition to the continuing competency requirement for reinstatement or renewal of the nursing license/privilege to practice nursing.
6. Submission of fraudulent documents or reports; misrepresentation of facts relating to the conditions of this Order; or failure to comply with any requirement of this Order will constitute violation of the Order.
7. Ms. Wettmarshausen agrees and acknowledges that her failure to comply with any of the conditions and provisions of this Agreed Order will result in suspension or voluntary surrender if applicable, of the nursing license/privilege to practice nursing or denial of reinstatement of a lapsed, invalidated, or expired license, with notification by mail. Should Board staff determine that Ms. Wettmarshausen has violated this Agreed Order, notice of intent to suspend will be issued to her. From the date this notice is mailed to Ms. Wettmarshausen in accordance with KRS 314.107, she shall have twenty (20) calendar days in which to file with the Board a written request for an administrative hearing. Failure to file a timely request for an administrative hearing constitutes a waiver of the right to hearing. Implementation of the suspension or denied reinstatement will result in an additional civil penalty of six hundred dollars (\$600). The suspension or denial of reinstatement will begin on the date of the notification letter and will continue until all requirements of this Agreed Order have been met.
8. This Agreed Order, when signed by Ms. Wettmarshausen and an authorized agent for the Kentucky Board of Nursing, shall be public information and can be

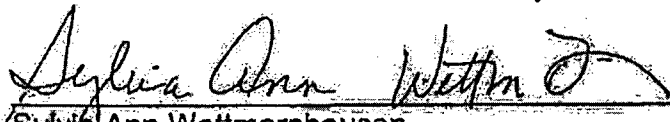
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disseminated according to the regulations of the Board, the Kentucky Open Records Act, and any other state or federal law as required. The Board makes no representations or guarantees regarding the future actions of its reporting agent or the US-DHHS-OIG; however, the staff of the Board will follow the standard procedures to accurately report to its reporting agent per 201 KAR 20:161 Section 6 and to US-DHHS-OIG.

9. She hereby releases the Kentucky Board of Nursing, its members, employees, agents, and officers, jointly and severally, from any and all liability arising from the within matter.
10. All provisions and conditions of this Order shall carry over to any license or privilege to practice nursing in Kentucky that she receives, including pursuant to any multi-state nursing licensure compact with the Board.
11. This Agreed Order shall be effective and binding immediately on Ms. Wettmarshausen and the Kentucky Board of Nursing when signed by both parties.


Sylvia Ann Wettmarshausen

Subscribed and Sworn to before me this 18 day of
December, 2017 by Sylvia Ann Wettmarshausen.

Notary Public 

State of Indiana

My Commission expires 3/16/24



(BOARD SEAL)


PAULA S. SCHENK, MPH, RN
EXECUTIVE DIRECTOR,

Agreed to and entered by the Board on
January 4, 2017.

REC'D

DEC 22 2017

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Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





Ohio Board of Nursing

www.nursing.ohio.gov

17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

BEFORE THE OHIO BOARD OF NURSING

IN THE MATTER OF:

CASE # 2016-003521

SYLVIA ANN WETTMARSHAUSEN, RN

ORDER

On July 27, 2017, the Ohio Board of Nursing issued a Notice of Opportunity for Hearing to SYLVIA ANN WETTMARSHAUSEN, RN, informing her that the Board intended to consider disciplinary action regarding MS. WETTMARSHAUSEN's license to practice nursing as a registered nurse in the State of Ohio, and that MS. WETTMARSHAUSEN was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of the notice. The Notice of Opportunity for Hearing was provided to MS. WETTMARSHAUSEN in accordance with Section 119.07, Ohio Revised Code ("ORC"). MS. WETTMARSHAUSEN did not timely submit a hearing request.

Upon consideration of the charges stated against SYLVIA ANN WETTMARSHAUSEN in the July 27, 2017 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that MS. WETTMARSHAUSEN has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing. The Ohio Board of Nursing ORDERS that MS. WETTMARSHAUSEN's license to practice nursing as a registered nurse be **REPRIMANDED**.

MS. WETTMARSHAUSEN shall:

Within six (6) months of the effective date of this Order, successfully complete and submit satisfactory documentation of successful completion of the following continuing education, or other comparable course(s) approved in advance by the Board or its designee: five (5) hours Professional Accountability and Legal Liability, and two (2) hours Ohio Nursing Law and Rules. Continuing education required by this Order does not meet the continuing education requirements for license renewal.

This ORDER shall become effective immediately and is hereby entered upon the Journal of the Board for the 25th day of January, 2018.

TIME AND METHOD TO PERFECT AN APPEAL

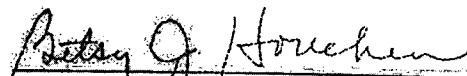
Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Nursing, 17 S. High St., Ste 660, Columbus OH 43215-3466, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal.

A copy of such Notice of Appeal shall also be filed by the appellant with the Franklin County Court of Common Pleas, Columbus, Ohio. In filing a notice of appeal with the agency or court, the notice that is filed may be either the original notice or a copy of the original notice. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the Ohio Board of Nursing's Order as provided in Section 119.12 of the Ohio Revised Code.

CERTIFICATION

The State of Ohio
County of Franklin

I, the undersigned Betsy J. Houchen, Executive Director for the Ohio Board of Nursing, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Board of Nursing entered on its Journal, on the 25th day of January, 2018.



Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

January 25, 2018

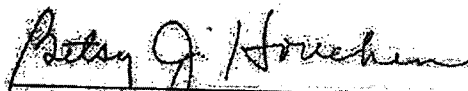
Date

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order, concerning SYLVIA ANN WETTMARSHAUSEN, was sent via certified mail, return receipt requested, this 12th day of February, 2018, to SYLVIA ANN WETTMARSHAUSEN, at the following address: 2600 Ellington Ridge Court, Evansville, IN 47711.

I also certify that a copy of the same was sent via regular U.S. mail this 12th day of February, 2018, to Lamont Pugh, SAC, Sanctions & Exclusions, Department of Health and Human Services, Office of Inspector General, Office of Investigations, P.O. Box 81020, Chicago, IL 60601-81020.


Betsy J. Houchen, R.N., M.S., J.D.
Executive Director

cc: James T. Wakley, Senior Assistant Attorney General

Certified Mail Receipt No. 7017 1070 0001 0135 3031



Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

July 27, 2017

NOTICE OF OPPORTUNITY FOR HEARING

Sylvia Ann Wettmarshausen, R.N.
2600 Ellington Ridge Court
Evansville, IN 47711

Dear Ms. Wettmarshausen:

In accordance with Chapter 119, Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under authority of Section 4723.28, ORC, to deny, revoke, permanently revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. On or about or about May 23, 2016, you submitted a falsified document while applying to a prospective nursing employer, Aureus Medical Group. Specifically, you altered the date on a Statement of Physical Health signed by a physician to make it appear as though you had received a physical examination on May 16, 2016 when you had not.



Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(P)(3), Ohio Administrative Code (OAC), states that a licensed nurse shall not make any false, misleading, or deceptive statements, or submit or cause to be submitted any false, misleading or deceptive information, or documentation to prospective employers when applying for positions requiring a nursing license.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28 ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing on this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to Hearing Requests/Compliance Unit, Ohio

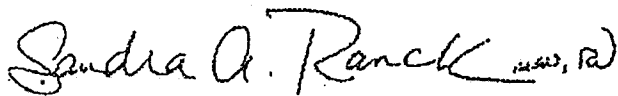
Sylvia Ann Wettmarshausen, R.N.

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Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410, or to the email address, hearing@nursing.ohio.gov.

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, revoke, permanently revoke, suspend or place restrictions on your license to practice nursing as a registered nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Sandra A. Ranck, M.S.N., R.N.
Supervising Board Member

Certified Mail Receipt No. 7016 2140 0000 4208 4939

cc: James T. Wakley, Senior Assistant Attorney General