



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.
Michelle R. Plummer
Executive Director of the Board

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 900328 §
Issued to LINNZI NICOLE WIMBERLEY, §
Respondent § **BOARD OF NURSING**

ORDER OF TEMPORARY SUSPENSION

TO: LINNZI WIMBERLEY
2621 HOMECOMING
LEANDER, TX 78641

A public meeting of the Texas Board of Nursing was held on January 27, 2021 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 900328, issued to LINNZI NICOLE WIMBERLEY was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of LINNZI NICOLE WIMBERLEY and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charge is substantiated:

CHARGE I.

On or about October 9, 2020, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on August 20, 2020. Noncompliance is the result of her failure to comply with the all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that she failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame. Furthermore, Respondent declined participation. Section I, Stipulation A of the Confidential Agreed Order for Peer Assistance Program dated August 20, 2020, states "Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN." On or about October 9 2020, Respondent was dismissed from TPAPN and referred back to the Board.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by LINNZI NICOLE WIMBERLEY constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 900328, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 900328, issued to LINNZI NICOLE WIMBERLEY, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 27th day of January, 2021.

TEXAS BOARD OF NURSING

BY:


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 900328 §
Issued to LINNZI NICOLE WIMBERLEY, § **BOARD OF NURSING**
Respondent §

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LINNZI NICOLE WIMBERLEY, is a Registered Nurse holding license number 900328 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 October 9, 2020, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on August 20, 2020. Noncompliance is the result of her failure to comply with the all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that she failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame. Furthermore, Respondent declined participation. Section I, Stipulation A of the Confidential Agreed Order for Peer Assistance Program dated August 20, 2020, states "Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN." On or about October 9 2020, Respondent was dismissed from TPAPN and referred back to the Board.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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) and/or privilege(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.

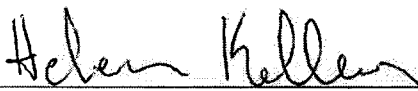
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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.

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(s) of the Board dated August 20, 2020.

Filed this 27th day, of January, 2021.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
Texas Board of Legal Specialization
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Attachment(s): Order(s) of the Board dated August 20, 2020.

D(2021.01.05)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 900328	§	AGREED ORDER
issued to LINNZI NICOLE WIMBERLEY	§	FOR
	§	PEER ASSISTANCE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINNZI NICOLE WIMBERLEY, Registered Nurse License Number 900328, 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 Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 14, 2020.

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 Confidential Agreed Order for Peer Assistance.
3. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from University of Mary Hardin-Baylor, Belton, Texas, on December 1, 2015. Respondent was licensed to practice professional nursing in the State of Texas on June 9, 2016.

5. Respondent's nursing employment history includes:

6/2016 – 3/2018	Registered Nurse	St. David's Medical Center Round Rock, Texas
3/2018 – 9/2018	Unknown	
9/2018 – 4/2019	Registered Nurse	Arise Healthcare Systems Austin, Texas
4/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Arise Healthcare Systems, Austin, Texas, and had been in that position for six (6) months.
7. On or about March 8, 2019 through April 7, 2019, while employed as a Registered Nurse with Arise Healthcare Systems, Austin, Texas, Respondent withdrew medications, including, but not limited to Tylenol, for patients, but failed to document, or accurately and completely document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct created inaccurate medical records and was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose.
8. On or about March 8, 2019 through April 7, 2019, while employed as a Registered Nurse with Arise Healthcare Systems, Austin, Texas, Respondent withdrew medications, including, but not limited to Tylenol for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy.
9. On or about March 8, 2019 through April 7, 2019, while employed as a Registered Nurse with Arise Healthcare Systems, Austin, Texas, Respondent misappropriated Tylenol belonging to the hospital and patients thereof. Subsequently, Respondent admitted to taking Tylenol for personal use. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states when she was called into the HR office, she admitted to taking Tylenol from Pyxis for migraines she was having. Respondent states she did Tylenol 4 times. Respondent states she always documented and had a nurse waste with her when she needed to.
11. On or about May 24, 2020, Respondent underwent a Chemical Dependency Evaluation with Wayne C. Dees, Psy.D., wherein Dr. Dees stated Respondent does not appear to have a substance use disorder, but there is concern for possible diversion of medications. Dr.

Dees stated he has concluded that Respondent is fit to practice nursing at this time with interventions. Dr. Dees stated if Respondent does not substantially comply and agree to participate in these treatment interventions, then he believes she would be AT RISK to herself and possibly others. Dr. Dees recommended Respondent should participate in TPAPN case management and monitoring program.

12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C), (4),(6)(G),(8),(10)(C)&(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 Registered Nurse License Number 900328, heretofore issued to LINNZI NICOLE WIMBERLEY.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Confidential Agreed Order for Peer Assistance.

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 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 and video programs will not be approved.

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

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Confidential Agreed Order for Peer Assistance, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

V. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to

successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

VI. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

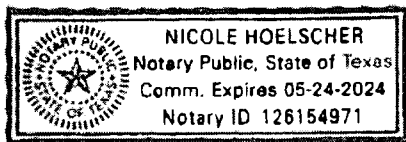
Signed this 18th day of August, 2020.

Linzi Nicole Wimberley
LINZI NICOLE WIMBERLEY, RESPONDENT

Sworn to and subscribed before me this 19th day of August, 2020.

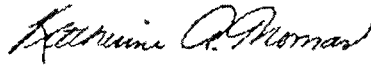
SEAL

Nicole Hoelscher
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 Confidential Agreed Order for Peer Assistance that was signed on the 18th day of August, 2020, by LINNZI NICOLE WIMBERLEY, Registered Nurse License Number 900328, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 20th day of August, 2020.



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