



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
Registered Nurse License Number 253140 §
issued to SUSAN WERTENBERGER §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSAN WERTENBERGER, Registered Nurse License Number 253140, 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)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 12, 2021.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status.
4. Respondent received an Associate Degree in Nursing from Midwestern University, Wichita Falls, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980. Respondent's nursing employment history includes:

1990 – 1982	Coronary Care Nurse	Wichita General Hospital Wichita Falls, Texas
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Respondent's nursing employment history continued:

1982	Coronary Care Nurse	All Saints Fort Worth, Texas
1982	Surgical Nurse	Hendrix Medical Center Abilene, Texas
1984	Dialysis Nurse	North Texas Dialysis Wichita Falls, Texas
1985	Coronary Care Nurse	Medical Plaza Hospital Fort Worth, Texas
1990	Staff Nurse	Bedford Meadows Hospital Bedford, Texas
1991 – 2011	Not employed in Nursing	
2011 -2013	Staff Nurse	Grapevine Valley Hope Grapevine, Texas
2013 – 7/2019	Not employed in nursing	
7/2019 – 9/2020	Staff Nurse	Grapevine Valley Hope Grapevine, Texas
9/2020-11/24/2020	Staff Nurse	Fort Behavioral Health Fort Worth, Texas

5. On or about November 15, 1984, Respondent's license(s) to practice nursing in the State of Texas was Reinstated through an Order of the Board. On or about July 1, 1991, Respondent successfully completed the terms of the Order. A copy of the November 15, 1984, Order is attached and incorporated herein by reference as part of this Agreed Order.
6. On or about July 25, 1991, Respondent's license(s) to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the July 25, 1991, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about June 9, 2009, Respondent's license(s) to practice nursing in the State of Texas was Reinstated through an Order of the Board. A copy of the June 9, 2009, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about June 21, 2013, the Board accepted the Voluntary Surrender of Respondent's license(s) to practice nursing in the State of Texas through an Order of the Board. A copy of the June 21, 2013, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about November 13, 2018, Respondent's license(s) to practice nursing in the State of Texas was Reinstated through an Order of the Board. A copy of the November 13, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
10. On or about June 4, 2020, Respondent failed to comply with the Agreed Order issued to Respondent on November 13, 2018, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Section IV, "DRUG AND ALCOHOL RELATED REQUIREMENTS," Part A and B, of the Agreed Order which states, "PETITIONER SHALL CAUSE abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

On or about June 4, 2020, Respondent tested positive for Ethyl Glucuronide (Alcohol) and Ethyl Sulfate.

11. Formal Charges were filed on November 24, 2020.
12. Respondent provided hair follicle drug test results from January 2021, February 2021, and March 2021 that were negative.
13. Respondent's date of sobriety for purposes of this Order is October 22, 2020.

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 §217.12 (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b) (1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 253140, heretofore issued to SUSAN WERTENBERGER.
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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 253140, previously issued to SUSAN WERTENBERGER, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- B. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- C. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

- D. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- E. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

V. 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 suspension being stayed, 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 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.

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.*

VI. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VII. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly

periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which RESPONDENT is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit

as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances**, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not

RESPONDENT has been selected to produce a specimen for screening that day and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order, RESPONDENT SHALL attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IX. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, 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.

X. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

XI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, 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 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of March, 2021.

Susan Wertenberger
SUSAN WERTENBERGER, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

Bey
Bridget Eyler, Attorney for Respondent

Signed this 16 day of March, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2021, by SUSAN WERTENBERGER, Registered Nurse License Number 253140, and said Agreed Order is final.

Effective this 22nd day of April, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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



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 § REINSTATEMENT
Registered Nurse License Number 253140 §
issued to SUSAN WERTENBERGER § AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of Registered Nurse License Number 253140, held by SUSAN WERTENBERGER, hereinafter referred to as Petitioner. Petitioner waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 6, 2018.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Midwestern University, Wichita Falls, Texas, on May 1, 1980. Petitioner was licensed to practice professional nursing in the State of Texas on September 4, 1980.
4. Petitioner's professional nursing employment history includes:

1980 - 1982	Coronary Care Nurse	Wichita General Hospital Wichita Falls, Texas
1982	Coronary Care Nurse	All Saints Fort Worth, Texas
1982	Surgical Nurse	Hendrix Medical Center Abilene, Texas

Petitioner's professional nursing employment history continued:

1984	Dialysis Nurse	North Texas Dialysis Wichita Falls, Texas
1985	Coronary Care Nurse	Medical Plaza Hospital Fort Worth, Texas
1990	Staff Nurse	Bedford Meadows Hospital Bedford, Texas
1991 - 2011	Not employed in nursing	
2011 - 2013	Staff Nurse	Grapevine Valley Hope Grapevine, Texas
2013 - present	Not employed in nursing	

5. On April 26, 1983, Petitioner's license to practice professional nursing in the State of Texas was Revoked by the Board of Nurse Examiners for the State of Texas. A copy of the April 26, 1983, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On November 15, 1984, Petitioner's license to practice professional nursing in the State of Texas was Reinstated by the Board of Nurse Examiners for the State of Texas. A copy of the November 15, 1984, Order is attached and incorporated, by reference, as part of this Order.
7. On March 5, 1986, Petitioner's license to practice professional nursing in the State of Texas was Suspended for a minimum period of six (6) months, and Petitioner was placed on Probation for three (3) years by the Texas Board of Nursing. A copy of the March 5, 1986, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On July 23, 1991, Petitioner's license to practice professional nursing in the State of Texas was Revoked by the Texas Board of Nursing. A copy of the July 23, 1991, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
9. On June 9, 2009, Petitioner's license to practice professional nursing in the State of Texas was Reinstated by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Reinstatement Agreed Order dated June 9, 2009, is attached and incorporated, by reference, as part of this Order.

10. On or about June 21, 2013, Respondent voluntarily surrendered her license to practice nursing through an Agreed Order of the Board. A copy of the Findings of Fact, Conclusions of Law, and Order dated June 21, 2013, is attached and incorporated, by reference, as part of this Order.
11. On or about August 10, 2018, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
12. Petitioner presented the following in support of said petition:
 - 12.1. Letter of support, dated July 13, 2018, from Lezlie S. As Petitioner's AA sponsor they have been working the 12 steps together for a year. Petitioner has kept a good attitude and has followed suggestions to the best of her ability one day at a time. Petitioner has diligently followed through with call her sponsor daily as suggested along with getting together for a face to face meeting once a week. Petitioner is involved with an AA group at Union Gospel Mission, where she gives back to the community working with single mothers.
 - 12.2. Letter of support, dated July 20, 2018, from Paula Shockey, LCDC, OSAR Case Manager, Recovery Resource Council, Fort Worth, Texas, states it has been a pleasure to mentor and supervise Petitioner for the last 4 years. She has assisted Petitioner in developing and improving her skills as a LCDC Intern who performs drug screening and brief motivational counseling for the agency. Petitioner has a very big heart and has assisted many clients who are struggling feel like they have hope and are not alone. Petitioner is respected, and others ask for her assistance with the medical knowledge she possess.
 - 12.3. Letter of support, dated July 12, 2018, from Michael A. White MD, Texas Health Care, PLLC, Grapevine, Texas, states Susan has been a gynecological patient of mine over 20 years. I can attest that she is currently in good health and can work full time. I further understand she has dealt with drug dependency in the past, has received therapy/counseling and continues to maintain sobriety to the best of my knowledge.
 - 12.4. Letter of support, dated July 16, 2018, from Deborah Mathews, RN, states its been an honor to know and work with Petitioner over the past eight years. Nurse Mathews worked along side her as her Director of Nursing at Grapevine Valley Hope, an inpatient drug and alcohol treatment center, where she provided acute care to patients in medical detox and nursing care to the residential population. Petitioner had sharp assessment skills, and was detailed oriented and ensured that her patients were safely cared for and monitored.

- 12.5. Letter of support, dated July 29, 2018, from Brian L. Schehrer, MA, LPC, HCC Counselor, Recovery Resource Council, Fort Worth, Texas, states he has worked with Petitioner for over 18 months at Recovery Resource Council assisting substance and alcohol users find treatment, and at the union Gospel Mission for Fort Worth helping homeless residents rebuild their lives. Petitioner is near to completion of her internship hours for the Texas LCDC licensure. Her continued effort and dedication to helping people restore their lives at work and in her free time are exemplary.
- 12.6. Verification of attendance of support group meetings from July 4, 2017 through August 2, 2018.
- 12.7. Recovery Trek documentation of 17 negative drug screens collected monthly from February 15, 2017 through July 31, 2018.
- 12.8. Documentation of the required continuing education contact hours.
13. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
14. Relicensure 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.
15. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.
3. 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.

4. 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. REINSTATEMENT OF LICENSURE

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of SUSAN WERTENBERGER for reinstatement of license to practice nursing in the state of Texas be **GRANTED** and Registered Nurse License Number 253140 is hereby **REINSTATED** in accordance with the terms of this Order.

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. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- B. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

III. REQUIREMENTS FOR REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as an registered nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.
- C. Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing, PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 80 hours of supervised practice.
- D. Upon verification of successful completion of the conditions as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Registered Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / Reactivation Renewal. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice registered nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. 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 relicensure, 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.

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.*

V. MONITORING FEE

PETITIONER SHALL pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of

sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment.

This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned.

- E. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. **Indirect Supervision:** For the remainder of the probation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- H. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or

chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, PETITIONER SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the PETITIONER is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butobarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Trama

Meperidine
Nalbuphine

Carisoprodol
Ketamine

dol
Butorphanol
Propofol

Upon enrollment in the Board's drug and alcohol testing program, **PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not PETITIONER has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. **While under the terms of this Order, PETITIONER SHALL attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. THERAPY

While working as a nurse under the terms of this Order, PETITIONER SHALL **participate in therapy with a professional counselor with credentials approved by the Board.** PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care

safely. For the first three (3) month quarterly period PETITIONER works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the PETITIONER is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until PETITIONER is dismissed from therapy, whichever is earlier.

IX. 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

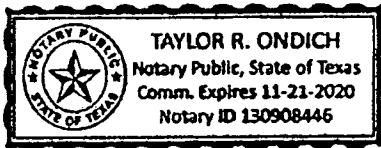
Signed this 28 day of September, 2018.

Susan Wertenberger
SUSAN WERTENBERGER, Petitioner

Sworn to and subscribed before me this 28th day of September, 2018.

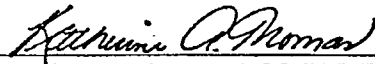
SEAL

Taylor R. Ondich
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 28th day of September, 2018, by SUSAN WERTENBERGER, Registered Nurse License Number 253140, and said Order is final.

Effective this 13th day of November, 2018.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 253140 §
issued to SUSAN WERTENBERGER § ORDER



Executive Director of the Board
Stephanie C. Johnson
accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSAN WERTENBERGER, Registered Nurse License Number 253140, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Midwestern University, Wichita Falls, Texas, on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's professional nursing employment history includes:

1980 - 1982	Coronary Care Nurse	Wichita General Hospital Wichita Falls, Texas
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Respondent's professional nursing employment history continued:

1982	Coronary Care Nurse	All Saints Fort Worth, Texas
1982	Surgical Nurse	Hendrix Medical Center Abilene, Texas
1984	Dialysis Nurse	North Texas Dialysis Wichita Falls, Texas
1985	Coronary Care Nurse	Medical Plaza Hospital Fort Worth, Texas
1990	Staff Nurse	Bedford Meadows Hospital Bedford, Texas
1991 - 06/11	Not employed in nursing	
07/11 - Present	Staff Nurse	Grapevine Valley Hope Grapevine, Texas

6. On April 26, 1983, Respondent's license to practice professional nursing in the State of Texas was Revoked by the Board of Nurse Examiners for the State of Texas. A copy of the April 26, 1983, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On November 15, 1984, Respondent's license to practice professional nursing in the State of Texas was Reinstated by the Board of Nurse Examiners for the State of Texas. A copy of the November 15, 1984, Order is attached and incorporated, by reference, as part of this Order.
8. On March 5, 1986, Respondent's license to practice professional nursing in the State of Texas was Suspended for a minimum period of six (6) months, and place on Probation for three (3) years by the Texas Board of Nursing. A copy of the March 5, 1986, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
9. On July 23, 1991, Respondent's license to practice professional nursing in the State of Texas was Revoked by the Texas Board of Nursing. A copy of the July 23, 1991, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

10. On June 9, 2009, Respondent's license to practice professional nursing in the State of Texas was Reinstated by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Reinstatement Agreed Order dated June 9, 2009, is attached and incorporated, by reference, as part of this Order.
11. On or about April 19, 2013, Respondent became noncompliant with the Reinstatement Agreed Order issued to her by the Texas Board of Nursing on June 9, 2009. Noncompliance is the result of Respondent's failure to abstain from the consumption of alcohol in that she submitted a specimen for a drug screen which resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), metabolites of alcohol. Stipulation Number Fifteen (15) of the Reinstatement Agreed Order dated June 9, 2009, states, in pertinent part:

"PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 253140, heretofore issued to SUSAN WERTENBERGER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 253140, heretofore issued to SUSAN WERTENBERGER, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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RESPONDENT'S CERTIFICATION

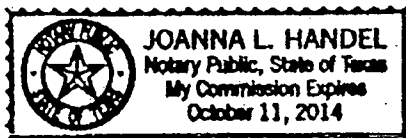
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 19 day of June, 2013.

Susan Wertemberger
SUSAN WERTENBERGER, Respondent

Sworn to and subscribed before me this 19 day of June, 2013.

SEAL



Joanna Handel
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 accept the voluntary surrender of Registered Nurse License Number 253140, previously issued to SUSAN WERTENBERGER.

Effective this 21st day of June, 20 13.



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



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 P. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	
License Number 253140	§	REINSTATEMENT
issued to SUSAN WERTENBERGER	§	
AKA MARY SUSAN PRICE	§	AGREED ORDER
AKA SUSAN PRESTWOOD	§	

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 253140, held by SUSAN WERTENBERGER, hereinafter referred to as Petitioner.

An informal conference was held on March 31, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN, Nursing Consultant, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Midwestern University, Wichita Falls, Texas, on May 1, 1980. Petitioner was originally licensed to practice professional nursing in the State of Texas on September 4, 1980.

4. Petitioner's professional nursing employment history includes:

1980 - 1982	Coronary Care Nurse	Wichita General Hospital Wichita Falls, Texas
1982	Coronary Care Nurse	All Saints Fort Worth, Texas
1982	Surgical Nurse	Hendrix Medical Center Abilene, Texas
1984	Dialysis Nurse	North Texas Dialysis Wichita Falls, Texas
1985	Coronary Care Nurse	Medical Plaza Hospital Fort Worth, Texas
1990	Staff Nurse	Bedford Meadows Hospital Bedford, Texas
1991 - present	Not employed in nursing	

5. On April 26, 1983, Petitioner's license to practice professional nursing in the State of Texas was Revoked by the Board of Nurse Examiners for the State of Texas. A copy of the April 26, 1983, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On November 15, 1984, Petitioner's license to practice professional nursing in the State of Texas was Reinstated by the Board of Nurse Examiners for the State of Texas. A copy of the November 15, 1984, Order is attached and incorporated, by reference, as part of this Order.
7. On March 5, 1986, Petitioner's license to practice professional nursing in the State of Texas was Suspended for a minimum period of six (6) months, and place on Probation for three (3) years by the Texas Board of Nursing. A copy of the March 5, 1986, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On July 23, 1991, Petitioner's license to practice professional nursing in the State of Texas was Revoked by the Texas Board of Nursing. A copy of the July 23, 1991, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
9. On or about December 18, 2008, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
10. Petitioner presented the following in support of her petition:
 - 10.1. Court record reflecting that on June 24, 1991, Petitioner entered a plea of guilty before the Court, to the offense of Possession of a Controlled Substance, Namely: Amphetamine, Of Less Than Twenty-Eight Grams, and the Court, having heard the evidence, deferred further proceedings and without entering an adjudication of guilt, placed Petitioner on probation for five (5) years which included random drug screens. Petitioner was released from further probation on April 29, 1994.
 - 10.2. Letter, dated December 10, 2008, from Paul M. Thompson D.Min, Licensed Professional Counselor, Summy Associates, Fort Worth, Texas, states he has been seeing Petitioner for family counseling since August of 2008, to work on family matters and the loss of her husband's job. During this period, Mr. Thompson found Petitioner to be a stable, hardworking individual who has grown in maturity and confidence. She is pleasant, has good skills in relating to people and is effective both in working under pressure and managing crisis situations. Petitioner is genuinely committed to bettering her life and is doing the hard work necessary both in self-knowledge and personal growth to achieve this goal. At this point, Petitioner has been clean and sober since the spring of 1991, and in Mr. Thompson's opinion, does not need further treatment for substance abuse. Petitioner has the compassion, maturity of judgment, and emotional stability necessary to be an effective nurse.
 - 10.3. Letter of support, dated December 1, 2008, from Suzanne C. Pranke, Grapevine, Texas, states she and Petitioner have been acquaintances for over fifteen (15) years through their church affiliation. During the last seven (7) plus years, Petitioner's accomplishments as a tennis official set a standard that is unmatched. Her tireless energy and dedication to her responsibilities have propelled her to the highest tier in tennis officiating. Petitioner started this as a part time job, but she is now widely regarded in the Dallas/Fort Worth area at the most reliable and fair referee for local events and, additionally, has served as president of the local organization for four (4) years. On a larger scale, her skills as an on-court line official have earned her invitations to work men's and women's professional events across the country, including the US Open. Petitioner is a tireless worker and a team player. Her interpersonal skills and compassion for others elevate her from the ordinary. Her managements skills enable her to establish goals and meet them in a thoughtful, organized and professional manner.

- 10.4. Letter of support, dated December 8, 2008, from Rev. Robin Valdez, Emmanuel Presbyterian Church, Bedford, Texas, states he has had the pleasure of knowing Petitioner for eight (8) years. She and her family have been a vital part of the church organization where she has served in a number of capacities. Petitioner is an intelligent, caring, and compassionate person. Rev. Valdez is delighted she has made the decision to once again pursue a career in nursing, as the gifts and skills she possesses will be significant assets in this field. One of Petitioner's greatest strengths is her perseverance. She encourages her family to do their best and to remain active in the life of the church even when schedules are hectic and demanding. This impressive attitude of not give up will serve her well in the field of nursing. As preparation for Petitioner's re-entry into nursing continues, Rev. Valdez is sure there will be times when she is faced with difficult decisions or called upon to sit with someone who is struggling with a medical or personal dilemma. Rev. Valdez is confident that her ability to empathize with others will serve as an important tool in the nursing field she is pursuing.
- 10.5. Letter of support, dated December 1, 2008, from Kenneth McCain, District Conservationist USDA, retired Professional Tennis Umpire, states he has been acquainted with Petitioner since 2005. As a professional Tennis Umpire, Mr. McCain found Petitioner to be conscientious, diligent and professional in her dealings and action at all times. Mr. McCain worked with Petitioner during many adverse and stressful situations where she has acted in a calm, proficient manner. During this time, Mr. McCain witnesses Petitioner demonstrate the ability to work with a wide range of people in a tactful manner while resolving complex issues when emotions were involved. Mr. McCain has observed Petitioner to possess a stable personality in her professional, personal and family dealings. Any past transgressions she may have committed are in the past and Mr. McCain feels that the reinstatement of her nursing license would be a successful venture at this stage in her life.
- 10.6. Letter of support, dated November 20, 2008, from Carol Linden, states she has had the pleasure of knowing Petitioner for the past four (4) years. Petitioner has excellent rapport with anyone she come in contact with, and Ms. Linden commends her integrity, loyalty, and dedication to the people with whom she works. Petitioner has had to deal with a multitude of issues and concerns, both on the local and national level. She has handled it all very diplomatically, as she has a real sense of personalities around her and has found how to bring out the best in each individual. Petitioner brings a high level of commitment to anything she does and her excellent leadership has always impressed Ms. Linden.
- 10.7. Letter of support, dated December 1, 2008, from Mary Ann Reed, CNS, Cook Children's Medical Center, Fort Worth, Texas, states she has known Petitioner for the past sixteen (16) years as an active member of her church. Petitioner has served

in various volunteer capacities including that of Deacon. In that role, she demonstrated reliability, initiative in problem solving, and compassion for many individuals. Her core values are also evident in her children, now teenagers, and also active in community service and mission work. Petitioner demonstrates excellent communication skills with individuals who frequently require an active confidential listener, and clarity of direction. Ms. Reed has never seen Petitioner demonstrate anything but competent and compassionate interaction with the individuals who have approached her with their concerns.

- 10.8. Letter of support, dated December 1, 2008, from Bruce Campley, USTA Texas Section Chair of Officials, states he has worked Petitioner as a tennis official for the past nine (9) years. Over this time, Mr. Campley has observed her to progress and improve her officiating skills and knowledge. Petitioner was always willing to listen and learn from veteran officials. After only a few years, Petitioner became one of the most respected and hard working officials in the area. She has continued this work ethic to become a respected National Referee and lines person and awarded Texas Section Official of the Year in 2007. Petitioner has become a conscientious, respected official.
- 10.9. Letter of support, dated November 28, 2008, from Seande Pulley, Dallas, Texas, states she has known Petitioner for over five (5) years. Under Petitioner's leadership, the organization has developed into a very well trained and accomplished group. Petitioner has used her great communication skills to get everyone involved.
11. Documentation of twenty (20) Type I continuing education hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of SUSAN WERTENBERGER, Registered Nurse License Number 253140, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to SUSAN WERTENBERGER, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(7) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinary action>.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR

(24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(8) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(9) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(10) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to

provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(13) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(14) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(14) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(15) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(16) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(17) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(18) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

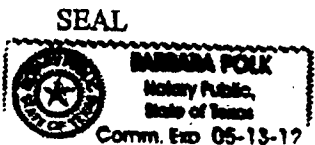
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 6 day of May, 2009.

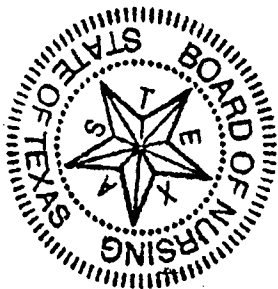
Susan Wertemberger
SUSAN WERTENBERGER, Petitioner

Sworn to and subscribed before me this 6th day of May, 2009.




Barbara Polk
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 6th day of May, 2009, by SUSAN WERTENBERGER, Registered Nurse License Number 253140, and said Order is final.



Effective this 9th day of June, 2009.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 2-53140 issued to §
SUSAN STEWART PRESTWOOD WERTENBERGER §

ORDER OF THE BOARD

To: Susan Stewart Prestwood Wertenberger
1925 Park Place Blvd., #708
Bedford, Texas 76021

The Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, during a regularly scheduled meeting, held a hearing to determine whether cause exists under Article 4525(a)(9), Revised Civil Statutes of Texas, as amended, to take disciplinary action against license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD WERTENBERGER, hereinafter referred to as Respondent. Said hearing was held on July 23, 1991, pursuant to applicable Texas law.

At the hearing, Dr. Eileen Piwetz, R.N., President of the Board, presided and a quorum of the Board was present.

The Board was represented by Joan Stewart, General Counsel. Respondent was present and was not represented by counsel, although having been notified of rights regarding same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. That Charges were filed by the Board on June 14, 1991.
2. That Charges were mailed to Respondent on June 14, 1991.
3. That Notice of Hearing was mailed to Respondent on July 11, 1991.
4. Respondent, while employed with Bedford Meadows Hospital, Bedford, Texas, administered Mellaril to patient identification number 800001 on or about May 27, 1990; the patient's record indicated the patient was allergic to Mellaril.

The above action is in violation of §217.13(6), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, which prohibits:

"Failing to administer medications or treatments or both in a responsible manner."

5. Respondent, while employed at the aforementioned facility, injected Thorazine through the clothing of patient identification number 800006, on or about June 3, 1990.

The above action is in violation of §217.13(6), Rules and Regulations Relating to Professional Nurse Education, Licensure, and Practice.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board has jurisdiction over this matter.
2. That Charges were filed by the Board in accordance with law.
3. That Notice of Hearing and Charges were served upon Respondent in accordance with law.
4. That the evidence received was conclusive to prove unprofessional or dishonorable conduct which, in the opinion of the board, is likely to deceive, defraud, or injure patients or the public.
5. That the activities of the Respondent constituted sufficient cause pursuant to Article 4525(a)(9), Revised Civil Statutes of Texas, as amended, to take disciplinary action against license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD WERTENBERGER, to practice professional nursing in Texas.

ORDER

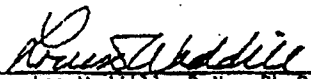
NOW, THEREFORE, IT IS ORDERED that license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD WERTENBERGER to practice professional nursing in the State of Texas be and the same is hereby revoked.

IT IS FURTHER ORDERED that same license issued to SUSAN STEWART PRESTWOOD WERTENBERGER, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 23rd day of July, 1991.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


Louise Waddill, R.N., Ph.D.
Executive Director on behalf
of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 2-53140 issued to §
SUSAN STEWART PRESTWOOD §

ORDER OF THE BOARD

TO: Susan Stewart Prestwood
6052 Robin Drive
Watauga, Texas 76148

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting, having set a hearing to be held on March 5, 1986, to determine whether cause exists under Article 4525 (a) (9), Revised Civil Statutes of Texas, as amended, to suspend or revoke license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD, pursuant to Texas law, which hearing was held on March 5, 1986, pursuant to applicable Texas law.

At the hearing, Mrs. Mary Virginia Jacobs, R.N., President of the Board, presided and the following members were present:

Mrs. Mary Elizabeth Jackson	Dr. Ruby Morris
Dr. Teddy L. Langford, R.N.	Dr. Jean Pryor, R.N.

The Board of Nurse Examiners for the State of Texas was represented by Mark Kincaid, counsel to the Board. Respondent was present, but was not represented by counsel, although having been notified of her rights regarding same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That Sworn Complaint was filed with the Board of Nurse Examiners for the State of Texas in accordance with law.
2. That Notice of Hearing and Complaint were served upon SUSAN STEWART PRESTWOOD in accordance with law.

3. SUSAN STEWART PRESTWOOD, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
4. Respondent, while employed with Medical Plaza Hospital, in Fort Worth, Texas, signed out Demerol on the Pharmacy Department Controlled Drugs Form on numerous occasions for patients but failed to document the administration of the Demerol on either the Medication Administration Record or the Post Anesthesia Recovery Record, i.e.:

<u>Date</u>	<u>Patient</u>	<u>Dosage</u>	<u>Record in Which Dosage not Recorded</u>
October 16, 1985	F	75 mgs.	Medication Administration Record and Post Anesthesia Recovery Record
		50 mgs.	Medication Administration Record and Post Anesthesia Recovery Record
October 17, 1985	H	75 mgs.	Medication Administration Record
		75 mgs.	Medication Administration Record
		75 mgs.	Medication Administration Record
October 17, 1985	I	100 mgs.	Medication Administration Record
October 18, 1985	K	50 mgs.	Post Anesthesia Recovery Record
		25 mgs.	Post Anesthesia Recovery Record
		50 mgs.	Post Anesthesia Recovery Record
October 18, 1985	M	50 mgs.	Medication Administration Record and Post Anesthesia Recovery Record

The above action is in violation of §217.13 (3), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 1985 Revision, which prohibits:

"Knowingly or consistently failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of medications, treatments, or nursing care or failing to do so under circumstances that indicate a disregard of patient safety and welfare."

5. Respondent, while employed with the aforementioned facility, appropriated Demerol, without authorization, belonging to Medical Plaza Hospital and/or to the patients thereof, during the month of October, 1985.

The above action is in violation of §217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 1985 Revision, which prohibits:

"Appropriating, in connection with the practice of nursing, medications, supplies, equipment, or personal items of the patient/client, employer, or any other person or entity."

The aforementioned action and conduct constitutes unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud or injure patients or the public, in violation of Article 4525 (a) (9), Revised Civil Statutes of Texas, as amended.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board of Nurse Examiners for the State of Texas has jurisdiction over this matter.
2. That the evidence received was conclusive to prove unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud, or injure patients and the public.
3. That the activities of the nurse in question constituted sufficient cause pursuant to Article 4525 (a) (9), Revised Civil Statutes of Texas, as amended, to suspend license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD, to practice professional nursing in Texas.

ORDER

NOW, THEREFORE, IT IS ORDERED that license number 2-53140, heretofore issued to SUSAN STEWART PRESTWOOD, to practice professional nursing in the State of Texas be and the same is hereby suspended for a period of two (2) years and said license upon receipt of this Order be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that the suspension of the license issued to SUSAN STEWART PRESTWOOD may be probated after a minimum period of six (6) months and upon her return to the practice of professional nursing. That upon her return to the practice of professional nursing, she be placed on probation for a minimum period of three (3) years with the following stipulations:

(1) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulations on his/her license by presenting a copy of this order to each potential employer. When employment is obtained, the employer must submit the notification of employment form to the Board office.

(2) That when she finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of SUSAN STEWART PRESTWOOD will be reissued.

(3) That during her employment as a professional nurse, each employer of SUSAN STEWART PRESTWOOD submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such reports are due at the office of the Board of Nurse Examiners at the end of each month of employment for a minimum period of six (6) months from the date of employment. If all the aforementioned reports are acceptable, then the reports

shall be required at the end of each three (3) months of employment for the duration of the probation period. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(4) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised. The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency.

(5) Respondent shall completely abstain from the consumption or injection of controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose. Respondent shall have sent to the Board of Nurse Examiners, in writing and within ten (10) days, by the prescribing physician or dentist, a report identifying the medication and dosage. Respondent shall submit to random periodic screens for controlled substances at least once every month, for a minimum period of six (6) months. If all of the aforementioned screens test negative for controlled substances, then the screens shall be required at least once every three (3) months for the duration of the probation period. All screens shall be properly monitored and administered by Respondent's employer or counselor and personally observed by this individual or a trusted member of his/her staff. Respondent shall have written reports from the employer or counselor sent to the Board of Nurse Examiners on a quarterly basis concerning the results of the random periodic screens. If any sample tests positive for narcotic, controlled substance or habit forming substance which Respondent has used without a prescription from a physician or dentist, they shall report the findings to the Board of Nurse Examiners immediately. Expenses encumbered by the screens shall be borne by Respondent.

(6) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also extend or modify the terms of probation, if extension or modification is warranted by evidence presented to the Board.

(7) Respondent shall participate in therapy and written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing shall be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports are to be furnished each and every month for a minimum period of six (6) months. If all of the aforementioned reports are acceptable, then the reports shall be required at the end of each three (3) months for the duration of the probation period, or until dismissed from therapy.

(8) Respondent shall provide evidence of her weekly attendance at meetings of a local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners at the end of each three (3) months for a minimum period of three (3) years.

(9) That, SUSAN STEWART PRESTWOOD shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

IT IS FURTHER ORDERED that any failure by SUSAN STEWART PRESTWOOD to comply in all respects with any provision of the Revised Civil Statutes of Texas, as amended, with any provision of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, or any provision of the terms of probation or suspension of license number 2-53140, shall constitute cause for rescission of the probation ordered herein.

IT IS FURTHER ORDERED that, should the probation of the suspension of license number 2-53140, issued to SUSAN STEWART PRESTWOOD to practice professional nursing in the State of Texas be rescinded, the nurse shall not be eligible for reissuance of a license to practice professional nursing in the State of Texas for two (2) years from the date of the Order of rescission of the probation.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare requires immediate effect of this Order and the same may not be stayed except on proper application to a District Court in accordance with Article 4525c, Revised Civil Statutes of Texas, as amended.

Entered this 5th day of March, 1986.

Certificate to Order of Board
In the Matter of Permanent
Certificate No. 2-53140
Issued to SUSAN STEWART PRESTWOOD

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 5th day of March, 1986.

Mary Virginia Jacobs, R.N.
President

Ruby Morris, Ed.D.

Jean Pryor, R.N.

Mary Elizabeth
Parker

W. J. R.N.

BEFORE THE BOARD OF NURSE EXAMINERS
IN AND FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 2-53140 issued to §
MARY SUSAN PRICE §

TO: Mary Susan Price
Box 100
Munday, Texas 76371

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting on November 15, 1984, heard the application for reinstatement of License Number 2-53140, heretofore issued to MARY SUSAN PRICE, according to Article 4525c, V.A.T.S.

At the Hearing, Dr. Jean Pryor, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Mrs. Mary Virginia Jacobs, R.N.
Mrs. Marlene Hudgins, R.N.	Dr. Ruby Morris
Mrs. Mary Elizabeth Jackson	

The applicant was present at the meeting, but was not represented by counsel. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following decision.

ORDER

NOW, THEREFORE, IT IS ORDERED that License Number 2-53140, heretofore issued to MARY SUSAN PRICE to practice professional nursing in the State of Texas be and the same is hereby reinstated upon compliance with the following stipulations and payment of re-registration fees:

(1) Respondent shall notify each potential employer in professional nursing of this Order of the Board and the stipulations on his/her license as stated herein. If employment is obtained, the employer must notify the Office of the Board of Nurse Examiners in writing that they are aware of the specific stipulations placed on said license.

(2) That when she finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of MARY SUSAN PRICE will be reissued.

(3) That during her employment as a professional nurse, each employer of MARY SUSAN PRICE submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such reports due at the office of the Board of Nurse Examiners at the end of each three months of employment for a minimum of two (2) years from the date of employment.

(4) That, if the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(5) Respondent may not be employed by a Nurse Registry/temporary nurse employment agency.

(6) That written reports as to her progress in therapy, rehabilitation and capability to practice professional nursing be submitted to the Board of Nurse Examiners, on forms provided by the Board, from her professional counselor, such reports to be furnished each and every three months for a minimum of two (2) years, or until dismissed from therapy.

(7) Respondent shall submit to random periodic screens for controlled substances at least once every three (3) months, for a minimum period of two (2) years, properly monitored and administered by Respondent's employer or counselor and personally observed by said individual or a trusted member of his/her staff. Unless the Board otherwise requires, said employer or counselor shall report to the Board of Nurse Examiners on a quarterly basis after the commencement of Respondent's probation, concerning the results of said random periodic screens, except that if any sample tests positive for narcotic, controlled substance or

(2).

habit forming substance which Respondent has used without a prescription from her physician, they shall report such findings to the Board of Nurse Examiners immediately. Expenses encumbered by said screens shall be borne by Respondent.

(8) The probation period can be served only while respondent is employed in a capacity for which her nursing license is required and subject to board approval.

(9) That, MARY SUSAN PRICE shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

Entered this 15th day of November, 1984.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY Margaret L. Rowland
(Mrs.) Margaret L. Rowland, R.N.,
Executive Secretary on behalf of
said Board

BEFORE THE BOARD OF NURSE EXAMINERS
IN AND FOR THE STATE OF TEXAS

In the matter of Permanent Certificate
Number 2-53140 issued to
MARY SUSAN STEWART PRICE

ORDER OF THE BOARD

TO: Mary Susan Stewart Price
1615 Hursh
Wichita Falls, Texas 76302

The Board of Nurse Examiners in and for the State of Texas in a regularly scheduled meeting, having set a Hearing to be held on April 26, 1983, to determine whether cause exists under Article 4525a (9), Texas Revised Civil Statutes, to suspend or revoke License Number 2-53140 heretofore issued to MARY SUSAN STEWART PRICE, pursuant to Texas law, which Hearing was held on April 26, 1983, pursuant to applicable Texas law.

At the Hearing, Dr. Eileen M. Jacobi, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.	Mrs. Leo Johnson
Mrs. Peggy L. Brown	Mrs. June Murphy, R.N.
Mrs. Marlene Hudgins, R.N.	Dr. Jean Pryor, R.N.
Mrs. Mary Virginia Jacobs, R.N.	

The Board of Nurse Examiners for the State of Texas was represented by Philip Maxwell, Counsel to the Board. The respondent was present but was not represented by counsel, although having been notified of her rights regarding the same. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. That Sworn Complaint was filed with the Board of Nurse Examiners for the State of Texas in accordance with law.
2. That Notice of Hearing and Complaint were served upon MARY SUSAN STEWART PRICE, in accordance with law.

3. MARY SUSAN STEWART PRICE, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
4. Respondent, while employed and practicing professional nursing at Hendrick Medical Center, in Abilene, Texas, signed out for medication on numerous occasions for patients for which there was no valid physician's order written for the medication, i.e.,

<u>DATE</u>	<u>PATIENT</u>	<u>MEDICATION</u>	<u>DOSAGE</u>
November 11, 1982	Mary Sumbera	Demerol	100mg
November 12, 1982	Mary Thomas	Demerol Demerol	50mg 50mg
November 15, 1982	Charlie Dickerson	Demerol	50mg
November 17, 1982	Valentine Saucedo	Demerol	50mg

The above action is in violation of §217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 1981 Revision, which prohibits:

"Failing to administer medication and/or treatments in a responsible manner."

5. Respondent, while employed and practicing professional nursing at the aforementioned facility on November 24, 1982, signed out for Demerol 75mg and Demerol 50mg on the Drug Administration Record for patient, Almer Isabel, when, in fact, the physician's order of November 24, 1982, was written for Demerol 25mg.

The above action is in violation of §217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 1981 Revision.

The aforementioned action and conduct constitutes unprofessional or dishonorable conduct which, in the opinion of the Board, is likely to deceive, defraud or injure patients or the public in violation of Article 4525a (9), Revised Civil Statutes of Texas, as amended.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Texas Revised Civil Statutes, the Board of Nurse Examiners for the State of Texas has jurisdiction over this matter.
2. That the evidence received was conclusive to prove unprofessional or dishonorable conduct and in the opinion of the Board, is likely to deceive, defraud, or injure patients and the public.
3. That the activities of the nurse in question constituted sufficient cause pursuant to Article 4525a (9), Revised Civil Statutes of Texas, as amended, to revoke license number 2-53140, heretofore issued to MARY SUSAN STEWART PRICE, to practice professional nursing in Texas.

ORDER

NOW, THEREFORE, IT IS ORDERED that License Number 2-53140, heretofore issued to MARY SUSAN STEWART PRICE, to practice professional nursing in the State of Texas be and the same is hereby revoked.

IT IS FURTHER ORDERED that the said license issued to MARY SUSAN STEWART PRICE upon receipt of this order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Texas Revised Civil Statutes, that an imminent peril to the public health, safety, or welfare requires immediate effect to this Order and the same shall be effective on the date herein below rendered and the same may not be stayed except on proper application to a District Court in accordance with Article 4525c, Texas Revised Civil Statutes.

Entered this 26th day of April, 1983.

Certificate to Order of Board
In the matter of Permanent
Certificate No. 2-53140
Issued to MARY SUSAN STEWART PRICE

The aforementioned Findings of Fact, Conclusions of Law and Order of the Board represent a final decision or Order duly made by the Board of Nurse Examiners in and for the State of Texas this the 26th day of April, 1983.

Eileen M. Jarchi
President

Jane Murphy, R.N.

Pauline Barnes

Mary Virginia Jacobs, R.N.

Beggy L. Brown

Marlene Hodgson, R.N.

Leo E. Johnson

Jean Pryor, R.N.