



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. Thomas
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 635038
Issued to EWA AGATA LUC-WASIK,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§ **BOARD OF NURSING**
§

ORDER OF TEMPORARY SUSPENSION

TO: Ewa Agata Luc-Wasik
c/o Marc Myer, Attorney At Law
2300 Woodforest Pkwy N, Ste #600
Montgomery, Texas 77316

A public meeting of the Texas Board of Nursing was held on September 6, 2023 at 1801 Congress Avenue, Suite 10-200, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 635038, issued to EWA AGATA LUC-WASIK was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing presented evidence and information concerning the conduct of EWA AGATA LUC-WASIK and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

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

CHARGE I.

On or about January 3, 2023, while employed as a Registered Nurse (RN) with Team Select Home Care, Fort Worth, Texas, and assigned to provide skilled nursing care to patient MRN #716828242, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but is not limited to, difficulty standing, slurred speech, drinking alcohol while on duty, and having alcoholic beverage cans in her purse. Furthermore, video footage taken by the patient's mother showed there were empty alcoholic beverage cans scattered throughout a patient's room and more cans in her purse. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

CHARGE II.

On or about February 27, 2023, and March 6, 2023, while licensed as a Registered Nurse and going through the pre-enrollment process with the Texas Peer Assistance Program for Nurses (TPAPN), Austin, Texas, Respondent tested for positive for alcohol on two (2) occasions. Additionally, on March 24, 2023 Respondent produced a specimen which was found to be invalid and did not submit a specimen when selected for drug testing on April 3, 2023. The use of alcohol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.

CHARGE III.

On or about March 9, 2023, while licensed as a Registered Nurse, Respondent lacked fitness to practice professional nursing in that she was diagnosed with a severe Alcohol Use Disorder and determined to be currently unsafe to practice nursing. Additionally, Respondent was administered the Multiphasic Personality Inventory -2 (MMPI-2) test and ultimately presented in a defensive manner indicating positive impression management and elevated the defensive scale in the Substance Abuse Subtle Screening Inventory - 4 test (SASSI-4) and failed to submit to the Alcohol Use Disordered Identification Test (AUDIT) despite multiple prompts to complete it. Furthermore, Respondent denied being terminated from her nursing position with Team Select Home Care, reported her first DWI was due to mixing Gabapentin with alcohol but later reported never using drugs or medications and alcohol at the same time, and denied any treatment for alcohol despite participating in court-ordered treatment programs following DWI convictions. The evaluating psychologist found Respondent to have limited insight and impaired judgment further evidencing that her condition could affect her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.

The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by EWA AGATA LUC-WASIK constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 635038, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 635038, issued to EWA AGATA LUC-WASIK, to practice nursing in the State of Texas

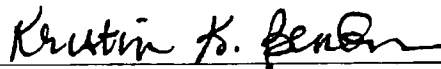
be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, 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.

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

Entered this 6 day of September, 2023.

TEXAS BOARD OF NURSING

BY: 

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR

D455(2023.08.24)

**In the Matter of
Permanent Registered Nurse
License Number 635038
Issued to EWA AGATA LUC-WASIK,
Respondent**

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§** BEFORE THE TEXAS
BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EWA AGATA LUC-WASIK, is a Registered Nurse holding license number 635038, which is in current status at the time of this pleading.

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

CHARGE I.

On or about January 3, 2023, while employed as a Registered Nurse (RN) with Team Select Home Care, Fort Worth, Texas, and assigned to provide skilled nursing care to patient MRN #716828242, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but is not limited to, difficulty standing, slurred speech, drinking alcohol while on duty, and having alcoholic beverage cans in her purse. Furthermore, video footage taken by the patient's mother showed there were empty alcoholic beverage cans scattered throughout a patient's room and more cans in her purse. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10),(12)&(14)(effective 9/1/21), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4)&(5).

CHARGE II.

On or about February 27, 2023, and March 6, 2023, while licensed as a Registered Nurse and going through the pre-enrollment process with the Texas Peer Assistance Program for Nurses (TPAPN), Austin, Texas, Respondent tested for positive for alcohol on two (2) occasions. Additionally, on March 24, 2023 Respondent produced a specimen which was found to be invalid and did not submit a specimen when selected for drug testing on April 3, 2023. The use of alcohol by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, changes in a patient's condition, and could impair the nurse's ability to make rational, accurate,

and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4),(5),(10)(A)&(11)(B).

CHARGE III.

On or about March 9, 2023, while licensed as a Registered Nurse, Respondent lacked fitness to practice professional nursing in that she was diagnosed with a severe Alcohol Use Disorder and determined to be currently unsafe to practice nursing. Additionally, Respondent was administered the Multiphasic Personality Inventory -2 (MMPI-2) test and ultimately presented in a defensive manner indicating positive impression management and elevated the defensive scale in the Substance Abuse Subtle Screening Inventory – 4 test (SASSI-4) and failed to submit to the Alcohol Use Disordered Identification Test (AUDIT) despite multiple prompts to complete it. Furthermore, Respondent denied being terminated from her nursing position with Team Select Home Care, reported her first DWI was due to mixing Gabapentin with alcohol but later reported never using drugs or medications and alcohol at the same time, and denied any treatment for alcohol despite participating in court-ordered treatment programs following DWI convictions. The evaluating psychologist found Respondent to have limited insight and impaired judgment further evidencing that her condition could affect her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(5).

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

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

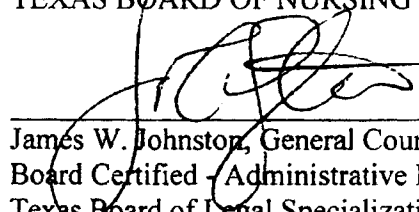
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated April 27, 2017.

Filed this 6 day of September, 2023.

TEXAS BOARD OF NURSING



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

John Vanderford, Deputy General Counsel
State Bar No. 24086670

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Attachment(s): Order(s) of the Board dated April 27, 2017.

D(2023.08.25)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 635038	§	AGREED ORDER FOR
issued to EWA AGATA LUC-WASIK	§	PEER ASSISTANCE PROGRAM

On this day ~~the Texas~~ Board of Nursing, hereinafter referred to as the Board, considered the matter of EWA AGATA LUC-WASIK, Registered Nurse License Number 635038, 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)(9),(10)&(12), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 13, 2017.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Florida on June 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on October 25, 1996.
5. Respondent's professional nursing employment history is unknown.

6. On or about August 25, 2015, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on November 26, 2014, in the County Court at Law No. 2 of Williamson County, Texas, under Cause No. 14-08872-2. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months and ordered to pay a fine and court costs.
7. On or about February 9, 2015, Respondent was arrested by the Round Rock Police Department for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. On or about August 9, 2016, the charge was dismissed in the County Court at Law No. 2 of Williamson County, Texas under Cause No. 15-01301-2; for the reason Defendant successfully completed the Williamson County DWI/Drug Court Program.
8. In response to Findings of Fact Numbers Six(6) and Seven(7), Respondent states she admits to having been arrested for 2 DWI's. Both happened on her personal time, which she realizes does not in any way lessen the gravity of the situation. Williamson County allowed her to entered into Drug Court Program and have one of the DWI's Dismissed if she completed the program and completed and pled in the other case.
9. On or about November 30, 2016, Respondent underwent a chemical dependency evaluation, with John K. Reid Ph.D., P.C. Dr. Reid's summary is that the Respondent completed the court ordered educational programs and attended some AA meetings, reporting these activities were "very eye-opening", but she has not engaged in long-term treatment either for alcohol use or for her emotional difficulties. There may be times when Respondent exhibits symptoms associated with bi-polar disorder, including at least occasional manic-like periods of behavior and intense emotion. Dr. Reid states that the Board should consider requiring her to maintain sobriety and to participate in randomized testing for alcohol for a significant period of time. Further, Respondent needs to continue her medication maintenance with a physician and also should participate in regular psychotherapy. Respondent also seems to be one who would benefit from peer counseling program.
10. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
12. 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 substance use disorder.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(5)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 635038, heretofore issued to EWA AGATA LUC-WASIK.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

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

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing;

- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order:

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.

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

IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

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

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

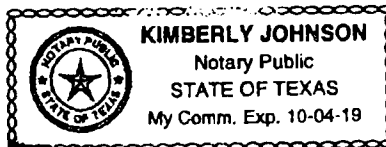
Signed this 21 day of April, 2017.

Ewa Agata Luc-Wasik
EWA AGATA LUC-WASIK, Respondent

Sworn to and subscribed before me this 21 day of APRIL, 2017.

SEAL

Kimberly Johnson
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 and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 21st day of April, 2017, by EWA AGATA LUC-WASIK, Registered Nurse License Number 635038, and said Order is final.

Effective this 27th day of April, 2017.



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