



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
Registered Nurse License Number 501324 §
issued to GAY LYN WEIGELT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GAY LYN WEIGELT, Registered Nurse License Number 501324, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(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 April 16, 2015.

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 a Baccalaureate Degree in Nursing from University of Texas, Houston, Texas, on December 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional nursing employment history includes:

1982-1983 Unknown

Respondent's nursing employment history continued:

1983- 1993	Staff Nurse	University of Texas Medical Branch Galveston, Texas
1993- 1999	Nurse Clinician	University of Texas Medical Branch Galveston, Texas
1999- 2000	Staff Nurse	University of Texas Medical Branch Galveston, Texas
2000- 2003	Staff Nurse	Qstaff/Clear Lake Regional Medical Houston, Texas
2003- 2007	Phlebotomist	Quest Diagnostics Houston, Texas
2007- 2008	Staff Nurse	St. Joseph Medical Center Houston, Texas
2008-present	Not in Nursing	

6. On or about June 25, 1985, Respondent was issued the sanction of REPRIMAND by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 25, 1985, is attached and incorporated, by reference, as part of this Order.
7. On or about November 17, 1987, Respondent was issued the sanction of SUSPEND PROBATE by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 17, 1987, is attached and incorporated, by reference, as part of this Order.
8. On or about April 18, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 18, 2001, is attached and incorporated, by reference, as part of this Order.
9. On or about November 17, 2002, Respondent was issued the sanction of VOLUNTARY SURRENDER by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 17, 2002, is attached and incorporated, by reference, as part of this Order.

10. On or about October 20, 2005, Respondent was issued the sanction of REINSTATEMENT ORDER by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated October 20, 2005, is attached and incorporated, by reference, as part of this Order.
11. On or about September 8, 2009, Respondent was issued the sanction of ENFORCED SUSPENSION by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 8, 2009, is attached and incorporated, by reference, as part of this Order.
12. On or about July 15, 2013, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she answered "Yes" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
 - A. been convicted of a misdemeanor?
 - B. been convicted of a felony?
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation, or received any form of military judgment/punishment/action?"

Respondent disclosed that, on or about June 29, 2012, Respondent entered a plea of Guilty to and was convicted of OBSTRUCT HIGHWAY PASSAGEWAY, a Class B misdemeanor offense committed on September 5, 2011, in the County Court at Law No. 1 of Galveston County, Texas, under Cause No. MD-0317863. As a result of the conviction Respondent was sentenced to sixty days in the Galveston County Jail.

13. On or about July 15, 2013, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she answered "Yes" to the question: In the Past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (you may answer "no" if you have completed and/or are in compliance with TPAPN)

Respondent disclosed that, her current sobriety date is November 11, 2011 and that she began working the steps of Alcoholics Anonymous with a new sponsor, on or about November 20, 2011.

14. Respondent demonstrably verified through objective and probative evidence that she has been abstinent from all mind altering drugs and alcohol since November 11, 2011. As evidenced through supportive letters from the twelve-step recovering community, witness statements and other documentary evidence Respondent has demonstrated Rehabilitative Potential. Respondent has verified a steady record of employment as well as the completion of the core educational components to become a Licensed Chemical Dependency Counselor (LCDC). Respondent has also applied for and received a LCDC Intern Permit and has been working towards the completion of her intern hours through the Memorial Hermann Prevention and Recovery Center (PARC). At the PARC Respondent has been subjected to Random Urine Drug Screens per the hospitals policy, and has an unblemished performance history. Her supervisors are aware of her history with chemical dependency and she uses her past experience as an asset to assist the PARC's patients. Respondent is integrally involved in twelve step recovery as she has a sponsor, a home-group, routinely engages in service opportunities and openly welcomes the "new comers".
15. 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.
16. Formal Charges were filed on September 2, 2014.
17. Formal Charges were mailed to Respondent on September 4, 2014.

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)(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 501324, heretofore issued to GAY LYN WEIGELT, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 501324, previously issued to GAY LYN WEIGELT, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and
- C. Obtains thirty-six (36) consecutive months of sobriety.

Any relapse prior to the completion of the required thirty-six (36) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such thirty-six (36) 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 issued a **LIMITED LICENSE** with STIPULATIONS.

- D. The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.
- E. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves a personal relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact

privileges, if any, to practice nursing in the State of Texas.

- H. 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.
- I. In addition to any other requirements imposed by law, Respondent must obtain twelve (12) consecutive months of sobriety demonstrated by monthly urine drug screens before petitioning the Board to return to direct patient care.

II. COMPLIANCE WITH LAW

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

III. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the 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..

IV. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the

Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license.

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RESPONDENT'S CERTIFICATION

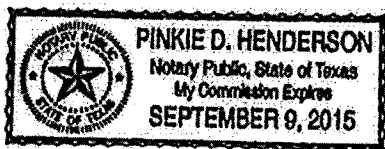
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of April, 2015.

Gay L. Weigelt
GAY LYNN WEIGELT Respondent

Sworn to and subscribed before me this 15th day of April, 2015.

SEAL



Pinkie D. Henderson

Notary Public in and for the State of Texas

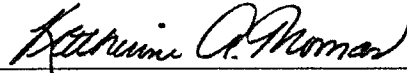
Approved as to form and substance.

Louis Leichter
LOUIS LEICHTER, Attorney for Respondent

Signed this 15th day of April, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of April, 2015, by GAY LYN WEIGELT, Registered Nurse License Number 501324, and said Order is final.

Effective this 12th day of May, 2015.



Katherine A. Thomas, MN, RN, FAAN
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 501324 issued to
GAY L. POFFINBARGER

ORDER OF THE BOARD

TO: Gay L. Poffinbarger
3222 69th St. #106
Galveston, Texas 77551

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the 25th day of June, 1985, considered the conduct of GAY L. POFFINBARGER, Permanent Certificate Number 501324.

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

Mrs. Pauline Barnes, R.N.	Mrs. Mary Elizabeth Jackson
Mrs. Karen G. Barnes-Cure, R.N.	Mrs. Mary Virginia Jacobs, R.N.
Mrs. Mariene Hudgins, R.N.	Dr. Ruby Morris

Following receipt of information, GAY L. POFFINBARGER agreed to a Consent to Board Order from the Board of Nurse Examiners. Respondent was not present at the Board of Nurse Examiners scheduled Hearing but did appear at a Hearing before the Hearing Officer. 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. GAY L. POFFINBARGER, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
2. Respondent, while employed with The University of Texas Medical Branch, Galveston, Texas, appropriated Demerol 50 mos., without authorization, belonging to the aforementioned facility and/or to the patients thereof, on or about September 22, 1981.

3. Respondent did not deprive patients of their medications.
4. Respondent entered the inpatient therapy program at The University of Texas Medical Branch, Galveston, Texas, on October 15, 1984, and completed said program on November 16, 1984.
5. Respondent continues her employment with The University of Texas Medical Branch, Galveston, Texas.
6. Respondent attends Group Aftercare and Narcotics Anonymous on a weekly basis.
7. Respondent has produced nine (9) negative screens for controlled substances, to date.
8. Respondent desires to continue her career in professional nursing.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of applicable Texas law, the aforementioned action and conduct, in the opinion of the Board, constitutes unprofessional conduct.

ORDER

In View Of The Findings Of Fact, it is hereby ordered that GAY L. POFFINBARGER, license number 501324, be issued a reprimand.

IT IS FURTHER ORDERED that license number 501324, be subject to the following stipulations:

(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 by presenting a copy of said order to each potential employer. 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 during her employment as a professional nurse, each employer of GAY L. POFFINBARGER 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 eighteen (18) months from the date of employment.

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

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

(5) 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 eighteen (18) months, or until dismissed from therapy.

(6) Respondent shall submit to random periodic screens for controlled substances at least once every three (3) months, for a minimum period of eighteen (18) months, properly monitored and administered by Respondent's employer or counselor and personally observed by said individual or a trusted member of his/her staff. Respondent shall cause written reports from said employer or counselor to be sent 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 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.

(7) 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.

(8) The Board of Nurse Examiners for the State of Texas shall review and evaluate the practice of professional nursing by Respondent at the end of the probation period. It is hereby understood that after said evaluation, the Board of Nurse Examiners 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.

(9) That, GAY L. POFFINBARGER shall comply in all respects with the Revised Civil Statutes of Texas, Article 4513 through 4528, 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.

The Board admonishes the Respondent that the prime objective of the nursing profession is to render service to humanity and, whoever chooses this profession, assumes the obligation to conduct themselves in accordance with nursing standards as well as the obligation to the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD SO FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, 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.

Entered this the 25th day of June, 1985.

Certificate to Order of Board.
In the matter of Permanent
Certificate No. 501324
Issued to GAY L. POFFINBARGER

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 25th
day of June, 1985.

Jean Pryor, R.N. Ruby Marshall
President

Marilyn Hudgens, R.N. K. G. Brown, R.N.

Pauline Barnes, R.N. Mary Virginia Jacobs, R.N.

Mary Elizabeth
Dickson

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 501324 issued to §
GAY LYN WEIGELT §

ORDER OF THE BOARD

TO: Gay Lyn Weigelt
P. O. Box 5361
Galveston, Texas 77554

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting, having set a hearing to be held on November 17, 1987, to determine whether cause exists under Article 4525 (a) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend or revoke license number 501324, heretofore issued to GAY LYN WEIGELT, pursuant to Texas law, which hearing was held on November 17, 1987, pursuant to applicable Texas law.

At the hearing, Mrs. Pauline Barnes, R.N., President of the Board, presided and the following members were present:

Dr. Lynn C. Besselman Dr. Jean Pryor, R.N.
Mrs. Mary Virginia Jacobs, R.N. Mrs. A. Joanna Seamans, R.N.

The Board of Nurse Examiners for the State of Texas was represented by Philip Maxwell, counsel to the Board. Respondent was present but 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 GAY LYN WEIGELT in accordance with law.

3. GAY LYN WEIGELT, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
4. Respondent, while employed with The University of Texas Medical Branch, Galveston, Texas, during the months of June, 1987, and July, 1987, appropriated demerol and valium, without authorization, belonging to the aforementioned facility and/or to the patients thereof.

The above action is in violation of 5217.13 (5), Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 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."

5. Respondent, while employed with the aforementioned facility engaged in the intemperate use of demerol and valium during the months of June, 1987, and July, 1987.

The above action constitutes the intemperate use of drugs, in violation of Article 4525 (a) (8), Revised Civil Statutes of Texas, as amended.

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) (8) and (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) (8) and (9), Revised Civil Statutes of Texas, as amended, to suspend license number 501324, heretofore issued to GAY LYN WEIGELT, to practice professional nursing in Texas.

ORDER

NOW, THEREFORE, IT IS ORDERED that license number 501324, heretofore issued to GAY LYN WEIGELT 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 until such time as she secures employment as a professional nurse.

IT IS FURTHER ORDERED that upon receipt of the notification of employment form in the office of the Board of Nurse Examiners for the State of Texas the suspension be probated for a minimum period of four (4) years with the following stipulations:

(1) Respondent must return her current certificate of re-registration (wallet-size) to the office of the Board of Nurse Examiners for the State of Texas immediately for appropriate notation.

(2) 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, Respondent must cause the employer to submit the notification of employment form to the Board office.

(3) That when she finds employment as a professional nurse and submits to the Board of Nurse Examiners proof of such employment, the license of GAY LYN WEIGELT will be reissued.

(4) That during her employment as a professional nurse, each employer of GAY LYN WEIGELT 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 three months of employment for a minimum period of four (4) years from the date of employment. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(5) 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.

(6) Respondent may not practice as a professional nurse in any critical care area(s) for a minimum period of four (4) years. Critical care areas are identified as any intensive care unit, emergency room, operating room and recovery room.

(7) Respondent may not practice as a professional nurse on the night shift for a minimum period of one (1) year.

(8) Respondent may not administer or have any contact with controlled substances and/or any mood altering substances for a minimum period of one (1) year.

(9) 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 and alcohol at least once every week, for a minimum period of three (3) months. If all of the aforementioned screens test negative for controlled substances and alcohol, then the screens shall be required at least once every month for a

minimum period of three (3) months. If all the aforementioned screens test negative for controlled substances and alcohol, 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 and personally observed by this individual or a trusted member of his/her staff. Respondent shall have written reports from the employer sent to the Board of Nurse Examiners concerning the results of the random periodic screens. If any sample tests positive for alcohol, 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.

(10) 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.

(11) 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 three (3) 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.

(12) Respondent shall provide evidence of attendance of at least two (2) support group meetings per week. The weekly meetings shall consist of (a) a minimum of one (1) impaired nurse support group and (b) another local support group for substance abuse. Such evidence shall be submitted to the office of the Board of Nurse Examiners, on forms provided by the Board, at the end of each three (3) months for a minimum period of four (4) years.

(13) That, GAY LYN WEIGELT 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 GAY LYN WEIGELT 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 501324, shall constitute cause for rescission of the probation ordered herein.

IT IS FURTHER ORDERED that, should the probation of the suspension of license number 501324, issued to GAY LYN WEIGELT 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 required immediate effect of 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, Revised Civil Statutes of Texas, as amended.

Entered this 17th day of November, 1987.

Certificate to Order of Board
In the Matter of Permanent
Certificate No. 501324
Issued to GAY LYN WEIGELT

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 17th day of November, 1987.

Charles Barnes, D.N.
President

Mary Virginia Jacob, R.N.

A. James Edwards, D.N.

Jean Pope, R.N.

Lynne C. Berachman, Ph.D.

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 501324 § AGREED
issued to GAY LYN WEIGELT § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of GAY LYN WEIGELT, License Number 501324, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(8), Revised Civil Statutes of Texas, as amended. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on March 23, 2001, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived informal conference, 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 a Baccalaureate Degree in Nursing from The University of Texas, Houston, Texas, in December 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's complete professional employment history is unknown.
6. On June 25, 1985, Respondent's license to practice professional nursing was issued a Reprimand with Stipulations, by the Board of Nurse Examiners for the State of Texas. A copy of the Order of the Board dated June 25, 1985, is attached and incorporated by reference as part of this Order.

7. On November 17, 1987, Respondent's license to practice professional nursing was Suspended for two (2) years, with said suspension probated for four (4) years, by the Board of Nurse Examiners for the State of Texas. A copy of the Order of the Board dated November 17, 1987, is attached and incorporated by reference as part of this Order.
8. Respondent, while employed with The University of Texas Medical Branch at Galveston, Galveston, Texas, on or about February 12, 1999, engaged in the intemperate use of Alcohol, in that Respondent reported to duty with the odor of alcohol on her breath and she admitted to her supervisor that she drank Alcohol prior to coming on duty. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. Respondent, while employed with the aforementioned facility, on or about June 7, 1999, engaged in the intemperate use of Alcohol in that Respondent produced a specimen for a drug screen which resulted positive for Alcohol. The use of Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4525a, TEX. REV. STAT. ANN.
11. 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.
12. Respondent's conduct described in Findings Number eight (8) and nine (9) resulted from Respondent's impairment by dependency on chemicals.
13. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(8), TEX. REV. CIV. STAT. ANN.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 501324, heretofore issued to GAY LYN WEIGELT, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. 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.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED, 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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 have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this 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 Board of Nurse Examiners, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of April, 2001.

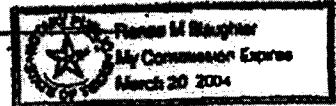
Gay Lyn Weigelt
GAY LYN WEIGELT, Respondent

Sworn to and subscribed before me this 11th day of April, 2001.

SEAL

Renee M. Slaughter

Notary Public in and for the State of




Approved as to form and substance.

David A. Slaughter
David A. Slaughter, Attorney for Respondent

Signed this 11th day of April, 2001.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 11th day of April, 2001, by GAY LYN WEIGELT, License Number 501324, and said Order is final.

Entered and effective this 18th day of April, 2001.



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 License Number 501324 § AGREED
issued to GAY LYN WEIGELT § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 501324, issued to GAY LYN WEIGELT, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference 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.
2. Respondent waived 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 a Baccalaureate Degree in Nursing from The University of Texas, Houston, Texas, in December 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional employment history includes:

1/82 - 4/82 Graduate Nurse
 Texas Children's Hospital
 Houston, Texas

Respondent's professional employment history continued:

9/82 - 4/83	Staff Nurse Texas Children's Hospital Houston, Texas
6/83 - 8/83	Staff Nurse II/Children's 4-North The University of Texas Medical Branch Galveston, Texas
8/83 - 11/87	Staff Nurse II/Pediatric Intensive Care Unit The University of Texas Medical Branch Galveston, Texas
11/87 - 8/92	Staff Nurse II/Children's 5-North The University of Texas Medical Branch Galveston, Texas
8/92 - 12/93	Staff Nurse III/Children's 6-North The University of Texas Medical Branch Galveston, Texas
12/93 - 12/97	Nurse Clinician III/Children's 6-North The University of Texas Medical Branch Galveston, Texas
12/97 - 8/99	Nurse Clinician III/staffing The University of Texas Medical Branch Galveston, Texas
8/99 - 5/00	Staff Nurse/Obstetrics and Gynecology Clinic The University of Texas Medical Branch Galveston, Texas
5/01- 1/02	Staff Nurse/NICU Clear Lake Regional Medical Center Webster, Texas

6. On June 25, 1985, Respondent's license to practice professional nursing was issued a Reprimand with Stipulations, by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated June 25, 1985, is attached and incorporated by reference as part of this Order.

7. On November 17, 1987, Respondent's license to practice professional nursing was Suspended for two (2) years, with said suspension probated for four (4) years, by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated November 17, 1987, is attached and incorporated by reference as part of this Order.
8. On April 18, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 18, 2001, is attached and incorporated by reference as part of this Order.
9. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Neonatal Intensive Care Unit with Clear Lake Regional Medical Center, Webster, Texas and had been in this position for approximately eight (8) months.
10. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, failed to comply with the Agreed Order issued by the Board of Nurse Examiners for the State of Texas on April 18, 2001. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN contract.
11. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, withdrew Fentanyl from the pyxis for patients who had no physician's order for the medication. Respondent also failed to document the administration of Fentanyl in these patients' medical records, as follows:

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/1/02	3:23	G00090716438	No Order for Fentanyl	Fentanyl 2 ml	No
1/1/02	6:13	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	8:59	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	11:41	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	1:46	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/6/02	3:26	same	No Order for Fentanyl	Fentanyl 2 ml	No
1/3/02	11:25	G00090714496	Fentanyl order discontinued on 12/29/01	Fentanyl 2 ml	No
1/3/02	1:06	same	same	Fentanyl 2 ml	No
1/3/02	1:56	same	same	Fentanyl 2 ml	No
1/3/02	3:33	same	same	Fentanyl 2 ml	No
1/3/02	5:30	same	same	Fentanyl 2 ml	No

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/6/02	4:40	G00090714496	same	Fentanyl 2 ml	No
1/6/02	6:07	same	same	Fentanyl 2 ml	No
1/3/02	6:04	G00090718194	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	7:32	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	9:56	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	1:07	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	3:37	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	6:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	7:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	8:26	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	10:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	12:23	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	2:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	7:15	G00090718888	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	8:48	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	10:49	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	12:32	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	1:27	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	3:09	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	4:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/5/02	4:30	same	No order for Fentanyl	Fentanyl 2 ml	No
1/6/02	6:48	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	5:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	5:23	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	8:20	G00090716531	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	11:39	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	4:53	same	No order for Fentanyl	Fentanyl 2 ml	No
1/10/02	7:21	same	No order for Fentanyl	Fentanyl 2 ml	No

Date	Time	Patient	Physician's Order	Pharmacy Record (Pyxis)	MAR
1/11/02	4:11	G00090716531	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	10:50	G00090722167	No order for Fentanyl	Fentanyl 2 ml	No
1/11/02	1:56	same	No order for Fentanyl	Fentanyl 2 ml	No

Respondent admits that she took the Fentanyl for her personal use and did not administer the medication without a physician's order. Respondent's conduct defrauded the patients and the facility of the cost of the medication.

12. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, misappropriated Fentanyl belonging to the facility and the patients thereof. Respondent's conduct defrauded the patients and the facility of the cost of the medication.
13. Respondent, while employed with Clear Lake Regional Medical Center, Webster, Texas, during January 2002, engaged in the intemperate use of Fentanyl. Possession of Fentanyl is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Fentanyl by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
15. 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.
16. 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.

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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 violations of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), & (19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 501324, heretofore issued to GAY LYN WEIGELT, including revocation of Respondent's professional license 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 301.452(b), 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 License Number 501324, heretofore issued to GAY LYN WEIGELT, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to GAY LYN WEIGELT, to the office of the Board of Nurse Examiners.

2. 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.
3. 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.
4. 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 multistate privilege, if any, to practice professional 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 have reviewed this Order. I neither admit nor deny the violations 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 30 day of October, 2002.

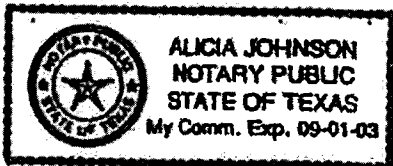
Gay L. Weigelt
GAY LYN WEIGELT, Respondent

Sworn to and subscribed before me this 30 day of OCTOBER, 2002.

*ACKNOWLEDGING Gay Lynn Weigelt
SIGNATURE ONLY.*

Alicia Johnson

SEAL



Notary Public in and for the State of TEXAS


Approved as to form and substance: :

Christopher Lowman
Christopher Lowman, Attorney for Respondent

Signed this 31st day of October, 2002.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 501324, previously issued to GAY LYN WEIGELT.

Effective this 7th day of November, 2002.



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 Registered Nurse	§	
License Number 501324	§	REINSTATEMENT
issued to GAY LYN WEIGELT	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 501324, held by GAY LYN WEIGELT, hereinafter referred to as Petitioner.

An informal conference was held on August 23, 2005, at the office of the Board of Nurse Examiners, 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 Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Christine Horton, RN, Investigator; 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 a Baccalaureate Degree in Nursing from the University of Texas, Houston, Texas, on December 1, 1981. Petitioner was originally licensed to practice professional nursing in the State of Texas on September 15, 1982.

4. Petitioner's professional nursing employment history includes:

1/82 - 4/82	Graduate Nurse	Texas Children's Hospital Houston, Texas
9/82 - 4/83	Staff Nurse	Texas Children's Hospital Houston, Texas
6/83 - 8/83	Staff Nurse II Children's 4-North	The University of Texas Medical Branch Galveston, Texas
8/83 - 11/87	Staff Nurse II Pediatric ICU	The University of Texas Medical Branch Galveston, Texas
11/87 - 8/92	Staff Nurse II Children's 5-North	The University of Texas Medical Branch Galveston, Texas
8/92 - 12/93	Staff Nurse III Children's 6-North	The University of Texas Medical Branch Galveston, Texas
12/93 - 12/97	Nurse Clinician III Children's 6-North	The University of Texas Medical Branch Galveston, Texas
12/97 - 8/99	Nurse Clinician III Staffing	The University of Texas Medical Branch Galveston, Texas
8/99 - 5/00	Staff Nurse OB/GYN Clinic	The University of Texas Medical Branch Galveston, Texas
5/01 - 1/02	Staff Nurse NICU	Clear Lake Regional Medical Center Webster, Texas
2/02 - present	Not employed in nursing	

5. On June 25, 1985, Petitioner was issued the sanction of a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the June 25, 1985, 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 17, 1987, Petitioner's license to practice professional nursing was suspended for two (2) years, with the suspension stayed and her license was placed on probation for four (4) years by the Board of Nurse Examiners for the State of Texas. A copy of the November 17, 1987, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On April 18, 2001, Petitioner was issued an Agreed Order requiring her to participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 18, 2001, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
8. On November 7, 2002, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the November 7, 2002, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.
9. On or about April 19, 2005, 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. Letter, dated March 8, 2005, from Kathy Herranen Fisher, LCDC, AAC, The Right Step, Houston, Texas, states Petitioner successfully completed The Right Step Intensive Outpatient program on March 20, 2003. Since then, she has attended the TRS Aftercare group regularly and celebrated two (2) years of sobriety in January of this year. Petitioner has remained active in AA and Aftercare and has demonstrated remarkable motivation and dedication to her recovery program. She maintains a positive attitude and an admirable ability to handle challenging situations in her life. It is Ms. Fisher's opinion that Petitioner is definitely able to safely provide professional nursing care and recommends that her license be reinstated without restrictions.
 - 10.2. Letter, dated March 21, 2005, from Patricia P. Corke, MD, Houston, Texas, states petitioner has been under her care since January 28, 2003, for the treatment of Alcohol Dependence, with a secondary diagnosis of Major Depressive Disorder. Petitioner has been very compliant with treatment and her prognosis is excellent. Dr. Corke has on record, twelve (12) negative drug screens. These were random from dates November 20, 2003, to March 10, 2005. In Dr. Corke's professional opinion, Petitioner is absolutely able to safely practice professional nursing.

- 10.3. Letter, dated March 1, 2005, from Julie Mahin, Supervisor, Quest Diagnostics Incorporated, Houston, Texas, states Petitioner has worked for her for the last two (2) years and has found her to be a true professional. Petitioner always puts the patient first and her caring attitude towards her patients is obvious in every encounter she has. Petitioner follows all policies and procedures that the company has set and works well with other staff members. She is reliable and has a high level of integrity.
- 10.4. Letter of support from Terry L. Holt, RN, BSN, Houston, Texas, states she has been acquainted with Petitioner for the past two (2) years and has happily witnessed her recovery after a long struggle with alcoholism and addiction. Ms. Holt has seen Petitioner grow in the program of Alcoholics Anonymous and sees her at several meetings a week. She works the Steps with her sponsor and continues to attend an aftercare group. Ms. Holt knows that Petitioner is a true professional and feels she should be returned to the profession she loves.
- 10.5. Letter of support, dated March 14, 2005, from Camilla R. McPhail, Seabrook, Texas, states she met Petitioner a little over five (5) years ago at an Alcoholics Anonymous meeting. During the first few years, Ms. McPhail witnessed Petitioner struggle with alcoholism and her many attempts to stay sober. Fortunately, Petitioner did not let her pride keep her from coming back to the group after each slip. Even through her sobriety would be somewhat precarious, she kept coming back and kept trying to achieve sobriety. Ms. McPhail believes that Petitioner's change occurred during the Spring of 2003. Her attitude about life and life's challenges changed significantly from pessimism to optimism. Petitioner has been an inspiration to many people and Ms. McPhail hopes the Board will grant the reinstatement of her professional nursing license.
- 10.6. Letter of support, dated January 22, 2005, from Donna T. Norris, Seabrook, Texas, states she has been acquainted with Petitioner since 1995. Ms. Norris has observed Petitioner struggle to deal with the effects of a traumatic divorce on top of other family issues, succumbing in the process to depression and recurring problems with alcohol. Late in January 2003, however, Petitioner began to change. She spoke repeatedly of her desire to focus on recovery, and over the past two (2) years, she has done just that. Her tenacity in adhering to the principles of her 12-step program, and her willingness to follow the suggestions of a good sponsor, has paid off. Ms. Norris has witnessed Petitioner relate her story to newcomers and witnessed her continuing willingness to extend a helping hand to others. Outside issues and problems may remain, but today Ms. Norris sees Petitioner face them using spiritual tools to cope rather than alcohol. Ms. Norris hopes the Board decides to reinstate Petitioner's license.

- 10.7. Letter of support, dated February 3, 2005, from Melinda Sprague, Clear Lake, Texas, states she met Petitioner almost two (2) years ago, shortly after she joined Alcoholics Anonymous and began her recovery from alcoholism and drug abuse. Petitioner attends one (1) to three (3) meetings weekly, verbally shares her experience at group level, participates in group activities, and helps newcomers on a regular basis. Ms. Sprague sees Petitioner continue to do whatever is necessary to maintain her sobriety, straighten out her work and home life, and remain a productive member of society. Her dedication to sobriety and recovery has only grown over the years. Ms. Sprague believes in Petitioner's personal commitment to remain on a path of recovery first and foremost.
- 10.8. Letter of support, dated January 15, 2005, from Janie Wild, Houston, Texas, states she is Petitioner's sponsor in Alcoholics Anonymous. Since she first met Petitioner, over two (2) years ago, Petitioner has stayed sober and has grown in leaps and bounds. Petitioner goes to several regular weekly meetings and has worked through all the steps. As her sponsor, Ms. Wild would feel confident that she could work in any industry and stay sober and drug free.
- 10.9. Documentation of support group attendance dating from October 2002, through August 2005.
- 10.10. Documentation of twenty (20) Type I Continuing Education contact hours.
11. Petitioner gives January 24, 2003, as her date of sobriety.

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 Board of Nurse Examiners, that the petition of GAY LYN WEIGELT, license number 501324, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS 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 §211.01 *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 paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to GAY LYN WEIGELT, shall be subject to the following agreed post-licensure stipulations:

(2) 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 entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify

PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF 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 STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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 STIPULATION PERIOD:

(5) PETITIONER SHALL notify all future employers in professional 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.

(6) 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 professional nurse.

(7) For the first year of employment as a Registered 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.

(8) 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.

(9) PETITIONER SHALL NOT practice as a professional 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 professional nurse.

(10) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional 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.

(11) 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 professional nurse.

(12) 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 professional 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) months for three (3) years of employment as a professional nurse.

(13) 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.

(14) 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 second three (3) 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.

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.

(15) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and 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, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

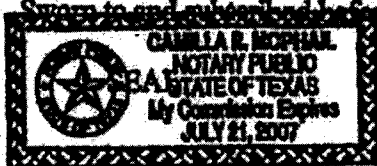
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 16th day of September, 2005.

Gay L. Weigelt
GAY LYN WEIGELT/Petitioner

Sworn to and subscribed before me this 16th day of September, 2005.




Camilla R. McFay
Notary Public in and for the State of Texas

GAY LYN WEIGELT
502 SEAWAY DRIVE
EL LAGO, TX 77586

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 16th day of September, 2005, by GAY LYN WEIGELT, Registered Nurse license number 501324, and said Order is final.

Effective this 20th day of October, 2005.


Katherine A. Thomas, MN, RN
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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 501324 § AGREED
issued to GAY LYN WEIGELT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GAY LYN WEIGELT, Registered Nurse License Number 501324, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), (9), and (10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived 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 a Baccalaureate Degree in Nursing from the University of Texas, Houston, Texas, on December 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional nursing employment history includes:

1/82 - 4/82	Graduate Nurse	Texas Children's Hospital Houston, Texas
9/82 - 4/83	Staff Nurse	Texas Children's Hospital Houston, Texas

Respondent's professional nursing employment history continued:

6/83 - 8/83	Staff Nurse II Children's 4-North	University of Texas Medical Branch Galveston, Texas
8/83 - 11/87	Staff Nurse II Pediatric ICU	University of Texas Medical Branch Galveston, Texas
11/87 - 8/92	Staff Nurse II Children's 5-North	University of Texas Medical Branch Galveston, Texas
8/92 - 12/93	Staff Nurse III Children's 6-North	University of Texas Medical Branch Galveston, Texas
12/93 - 12/97	Nurse Clinician III Children's 6 North	University of Texas Medical Branch Galveston, Texas
12/97 - 8/99	Nurse Clinician III Staffing	University of Texas Medical Branch Galveston, Texas
8/99 - 5/00	Staff Nurse OB/GYN clinic	University of Texas Medical Branch Galveston, Texas
5/01 - 1/02	Staff Nurse	Clear Lake Regional Medical Center Webster, Texas
2/02 - 4/07	Unknown	
5/07 - present	Clinical Nurse	St. Joseph Medical Center Houston, Texas

6. On June 25, 1985, Respondent was issued the sanction of a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the June 25, 1985, 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 17, 1987, Respondent's license to practice professional nursing was suspended for two (2) years, with the suspension stayed and her license was placed on probation for four (4) years by the Board of Nurse Examiners for the State of Texas. A copy of the November 17, 1987, Order of the Board, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On April 18, 2001, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 18, 2001, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
9. On November 7, 2002, the Board of Nurse Examiners for the State of Texas accepted the voluntary surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the November 7, 2002, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.
10. On October 20, 2005, Respondent's license to practice professional nursing was Reinstated with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the October 20, 2005, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
11. 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.
12. Formal Charges were filed on September 23, 2008. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
13. Formal Charges were mailed to Respondent on September 23, 2008.

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 violations of Section 301.452(b)(1), (9), and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 501324, heretofore issued to GAYLYN WEIGELT, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 501324, previously issued to GAY LYN WEIGELT, to practice nursing in Texas is hereby SUSPENDED and said suspension is enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be stayed, and RESPONDENT will be issued a LIMITED LICENSE with STIPULATIONS.

IT IS FURTHER AGREED that:

(1) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

(2) RESPONDENT SHALL 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.

(3) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(4) Should RESPONDENT desire to return to a clinical practice setting which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval. RESPONDENT shall not petition the Board for such approval until: at least 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. Further, RESPONDENT shall be required to satisfy all then existing requirements for approval.

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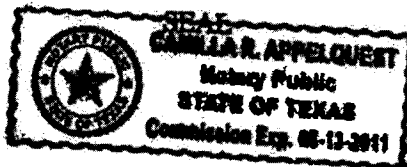
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations 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 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 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of August, 2009.
Gay Lynn Weigelt
GAY LYNN WEIGELT, Respondent

Sworn to and subscribed before me this 11th day of August, 2009.



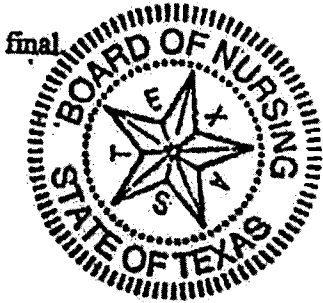
Camilla R Appelquest
Notary Public in and for the State of Texas

Approved as to form and substance.


[Signature]
LOUIS LEIGHTER, Attorney for Respondent

Signed this 18 day of August, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of August, 2009, by GAY LYN WEIGELT, Registered Nurse License Number 501324, and said Order is



Effective this 8th day of September, 2009.


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

In the Matter of Permanent License
Number 501324, Issued to
GAY LYN WEIGELT, Respondent

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GAY LYN WEIGELT, is a Registered Nurse holding license number 501324, 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 February 20, 2008, while employed with St. Joseph Medical Center, Houston, Texas, Respondent engaged in the intemperate use of Demerol in that she produced a specimen for a drug screen which resulted positive for Demerol. The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

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

CHARGE II.

On or about February 20, 2008, while employed with St. Joseph Medical Center, Houston, Texas, Respondent failed to comply with the Reinstatement Agreed Order issued to her on October 20, 2005, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Thirteen (13) of the Order which states, in pertinent part:

(13) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances unless prescribed by a licensed practitioner or a legitimate purpose....

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

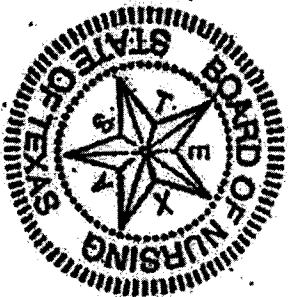
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated June 25, 1985, Agreed Order dated November 17, 1987, Agreed Order dated April 18, 2001, Agreed Order dated November 7, 2002, and Reinstatement Agreed Order dated October 20, 2005.

Filed this 22nd day of September, 2008.



TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox North, Assistant General Counsel

State Bar No. 00789585

John F. Legris, Assistant General Counsel

State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

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

Attachments: Agreed Order dated June 25, 1985
Agreed Order dated November 17, 1987
Agreed Order dated April 18, 2001
Agreed Order dated November 7, 2002
Reinstatement Agreed Order dated October 20, 2005