BEFORE THE TEXAS BOARD OF NURSING

****

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

In the Matter of Vocational Nurse	§
License Number 206129	§
issued to SEAN STUART HATZER	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the B accepted the voluntary surrender of Vocational Nurse License Number 206129, issued to SEAN STUART HATZER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Practical Nursing from the United States Army Practical Nurse Course, Fort Sam Houston, Texas on August 24, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on September 19, 2006.

4. Respondent's complete vocational nursing employment history is unknown.

5. On or about July 30, 2010, while holding a license as a Vocational Nurse in the State of Texas, Respondent received an Order from the Ohio Board of Nursing wherein Respondent's license to practice practical nursing in the State of Ohio was Suspended for an indefinite period of time but not less than two (2) years for abusing prescription pain medications and producing a positive urine drug screen. A copy of the Ohio Board of Nursing Order dated July 30, 2010, is attached and incorporated herein by reference as part of this Order.

6. Formal Charges were filed on April 18, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.

7. Formal Charges were mailed to Respondent on April 20, 2011.

8. On June 6, 2011, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated June 1, 2011, is attached and incorporated herein by reference as part of this Order.

9. 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.

10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(8), Texas Occupations Code.

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 206129, heretofore issued to SEAN STUART HATZER, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

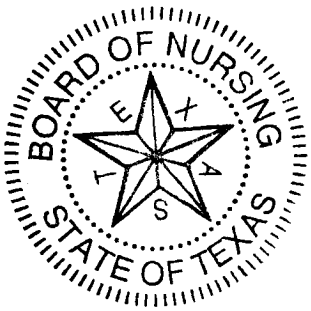
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 9th day of June, 2011.



TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

Sean Stuart Hatzer
6618 Johnson Road
North Lewisburg, Ohio 43040
Texas LVN License #206129

Voluntary Surrender Statement

May 23, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature _____

Date 6/1/2011

Texas Nursing License Number/s 206129

The State of Texas

Before me, the undersigned authority, on this date personally appeared SEAN STUART HATZER who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the _____ day of _____, 2011.

SEAL

_____

Notary Public in and for the State of _____

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

April 20, 2011

Certified Mail No. 91 7108 2133 3939 3569 9047
Return Receipt Requested

Sean Stuart Hatzer
6618 Johnson Road
North Lewisburg, Ohio 43060

Dear Mr. Hatzer:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of James S. Smelser, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact James S. Smelser, Investigator, Enforcement Division, at the above address, or at (512) 305-6831.

Sincerely,

Katherine A. Thomas

Katherine A. Thomas, MN, RN
Executive Director

KAT/jss

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC Abilene
Kristin Benton, MSN, RN Austin
Patricia Clapp, BA Dallas
Tamara Cowen, MN, RN Harlingen
Sheri Crosby, JD, SPHR Dallas
Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury
Josefina Lujan, PhD, RN El Paso
Beverley Jean Nutall, LVN Bryan
Mary Jane Salgado, MEd Eagle Pass

In the Matter of Permanent License Number 206129, Issued to SEAN STUART HATZER, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SEAN STUART HATZER, is a Vocational Nurse holding license number 206129, which is in delinquent status at the time of this pleading.

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

CHARGE I.

On or about July 30, 2010, while holding a license as a Vocational Nurse in the State of Texas, Respondent received an Order from the Ohio Board of Nursing wherein Respondent's license to practice practical nursing in the State of Ohio was Suspended for an indefinite period of time but not less than two (2) years for abusing prescription pain medications and producing a positive urine drug screen. A copy of the Order from the Ohio Board of Nursing dated July 30, 2010 is attached and incorporated as a part of this pleading.

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

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order from the Ohio Board of Nursing dated July 30, 2010.

Filed this 18th day of April, 2011. RKH

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
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: Order from the Ohio Board of Nursing dated July 30, 2010.

D/2010.12.28

Ohio Board of Nursing www.nursing.ohio.gov
17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

BEFORE THE OHIO BOARD OF NURSING

IN THE MATTER OF:

ORDER: 1943
CASE # 09-3053

SEAN STUART HATZER, L.P.N.

ORDER

By letter, dated March 22, 2010, notice was given to **SEAN STUART HATZER, L.P.N.** that the Ohio Board of Nursing intended to consider disciplinary action regarding **MR. HATZER's** license to practice nursing as a licensed practical nurse in the State of Ohio, and that **MR. HATZER** was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice.

In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the address of record of **MR. HATZER**.

No hearing request has been received from **MR. HATZER** and more than thirty (30) days have now elapsed since the mailing of the notice.

Upon consideration of the charges stated against **SEAN STUART HATZER** in the March 19, 2010 Notice of Opportunity for Hearing and evidence supporting the charges, the Board finds that **MR. HATZER** has committed acts in violation of the Nurse Practice Act, Ohio Revised Code Chapter 4723, as stated in the Notice of Opportunity for Hearing, and the Ohio Board of Nursing ORDERS that **MR. HATZER's** license to practice nursing as a licensed practical nurse is hereby suspended for an indefinite period of time but not less than two (2) years with the conditions for reinstatement set forth below, and that following reinstatement, **MR. HATZER** shall be subject to a stayed suspension under the probationary terms, conditions, and limitations set forth below for a minimum period of three (3) years and the **Permanent Narcotic** and **Permanent Practice Restrictions** set forth below.

REQUIREMENTS AND CONDITIONS FOR REINSTATEMENT

1. **MR. HATZER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MR. HATZER** shall appear in person for interviews before the full Board or its

CERTIFIED TO BE A TRUE COPY
OHIO BOARD OF NURSING 8/12/10

designated representative as requested by the Board or its designee.

3. Prior to seeking reinstatement by the Board, **MR. HATZER** shall submit a request to the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check of **MR. HATZER,** including a check of Federal Bureau of Investigation (FBI) records, and shall cause BCII to submit **MR. HATZER's** criminal records check reports to the Board. A request for reinstatement will not be considered by the Board until the completed criminal records check, including the FBI check, has been received by the Board.

Monitoring

4. **MR. HATZER** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. HATZER's** history. **MR. HATZER** shall self-administer the prescribed drugs only in the manner prescribed.

5. **MR. HATZER** shall abstain completely from the use of alcohol.

6. **Prior to seeking reinstatement by the Board, MR. HATZER** shall, at his own expense, obtain a chemical dependency evaluation by a Board approved chemical dependency professional and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MR. HATZER** shall provide the chemical dependency professional with a copy of this Order and Notice of Opportunity for Hearing. Further, **MR. HATZER** shall execute releases to permit the chemical dependency professional to obtain any information deemed appropriate and necessary for the evaluation. The chemical dependency professional shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MR. HATZER's** license, and a statement as to whether **MR. HATZER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

7. **MR. HATZER** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the chemical dependency professional described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MR. HATZER's** license.

8. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MR. HATZER** shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Upon and after **MR. HATZER's** initiation of drug screening, refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens

submitted by **MR. HATZER** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. HATZER's** history.

9. Within thirty (30) days prior to **MR. HATZER** initiating drug screening, **MR. HATZER** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers and cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MR. HATZER**.

10. After initiating drug screening, **MR. HATZER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner. Further, **MR. HATZER** shall notify the Board of any and all medication(s) or prescription(s) received within twenty-four (24) hours of release from hospitalization or medical treatment.

11. **For a minimum, continuous period of six (6) months immediately prior to seeking reinstatement, MR. HATZER** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MR. HATZER** shall provide satisfactory documentation of such attendance to the Board prior to reinstatement.

12. **Prior to seeking reinstatement by the Board, MR. HATZER** shall, at his own expense, obtain a psychiatric evaluation from a Board approved psychiatrist and shall provide the Board with complete documentation of such evaluation. Prior to the evaluation, **MR. HATZER** shall provide the psychiatrist with a copy of this Order and Notice of Opportunity for Hearing and shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses, recommendations for treatment and monitoring, any additional restrictions that should be placed on **MR. HATZER's** license, and a statement as to whether **MR. HATZER** is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

13. **MR. HATZER** shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, the Board may utilize the professional's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, and limitations on **MR. HATZER's** license.

Reporting Requirements of MR. HATZER

14. **MR. HATZER** shall sign release of information forms allowing health professionals and other organizations to submit requested documentation or information directly to the

Board.

15. **MR. HATZER** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.

16. **MR. HATZER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.

17. **MR. HATZER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

18. **MR. HATZER** shall submit the reports and documentation required by this Order to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

19. **MR. HATZER** shall verify that the reports and documentation required by this Order are received in the Board office.

20. **MR. HATZER** shall inform the Board within three (3) business days, in writing, of any change in address and/or telephone number.

DURATION

The Board may only alter the indefinite suspension imposed if: (1) **MR. HATZER** submits a written request for reinstatement; (2) the Board determines that **MR. HATZER** has complied with all conditions of reinstatement; and (3) the Board determines that **MR. HATZER** is able to practice according to acceptable and prevailing standards of safe nursing care based upon an interview with **MR. HATZER** and review of the documentation specified in this Order.

Following reinstatement, MR. HATZER shall be subject to the following probationary terms, conditions, and limitations for a minimum period of three (3) years.

1. **MR. HATZER** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.

2. **MR. HATZER** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.

Monitoring

3. **MR. HATZER** shall abstain completely from the personal use or possession of drugs, except those prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. HATZER's** history. **MR. HATZER** shall self-

administer prescribed drugs only in the manner prescribed.

4. **MR. HATZER** shall abstain completely from the use of alcohol.

5. During the probationary period, **MR. HATZER** shall submit, at his expense and on the day selected, blood or urine specimens for drug and/or alcohol analysis at a collection site specified by the Board at such times as the Board may request. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected, or in such a manner as the Board may request, shall constitute a violation of a restriction placed on a license for purposes of Section 4723.28(B), ORC. This screening shall require a daily call-in process. The specimens submitted by **MR. HATZER** shall be negative, except for substances prescribed, administered, or dispensed to him by another so authorized by law who has full knowledge of **MR. HATZER's** history.

6. **MR. HATZER** shall attend a minimum of one (1) meeting per week of a support or peer group meeting approved in advance by the Board, or a Twelve Step program, and **MR. HATZER** shall provide satisfactory documentation of such attendance to the Board every six (6) months.

Treating Practitioners and Reporting

7. Within sixty (60) days of the execution of the probationary period, **MR. HATZER** shall provide a copy of this Order to all treating practitioners and shall provide to the Board a list of all treating practitioners, including addresses and telephone numbers. Further, **MR. HATZER** shall be under a continuing duty to provide a copy of this Order, prior to initiating treatment, to additional treating practitioners, and to update the list of treating practitioners with the Board within forty-eight (48) hours of being treated by another practitioner.

8. **MR. HATZER** shall cause all treating practitioners to complete a medication prescription report that is to be mailed by the practitioner directly to the Board. The medication report is to be completed for any and all substances prescribed, administered, or dispensed to **MR. HATZER** throughout the duration of this Order.

9. Within twenty-four (24) hours of release from hospitalization or medical treatment, **MR. HATZER** shall notify the Board of any and all medication(s) or prescription(s) received.

Employment Conditions

10. Prior to accepting employment as a nurse, each time with every employer, MR. **HATZER** shall notify the Board.

11. **MR. HATZER** shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a quarterly basis. **MR. HATZER** shall provide his employer(s) with a copy of this Order and Notice of Opportunity for Hearing and shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Order and Notice of

Opportunity for Hearing, including the date they were received. Further, **MR. HATZER** is under a continuing duty to provide a copy of this Order and Notice of Opportunity for Hearing to any new employer prior to accepting employment.

Reporting Requirements of MR. HATZER

12. **MR. HATZER** shall sign releases of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.

13. **MR. HATZER** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.

14. **MR. HATZER** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.

15. **MR. HATZER** shall submit the reports and documentation required by this Order on forms specified by the Board. All reporting and communications required by this Order shall be made to the Compliance Unit of the Board.

16. **MR. HATZER** shall submit the reports and documentation required by this Order or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.

17. **MR. HATZER** shall verify that the reports and documentation required by this Order are received in the Board office.

18. **MR. HATZER** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

19. Prior to working as a nurse, if requested by the Board or its designee, **MR. HATZER** shall complete a nurse refresher course or extensive orientation approved in advance by the Board.

Permanent Narcotic Restriction

MR. HATZER shall not administer, have access to, or possess (except as prescribed for **MR. HATZER's** use by another so authorized by law who has full knowledge of **MR. HATZER's** history) any narcotics, other controlled substances, or mood altering drugs. In addition, **MR. HATZER** shall not count narcotics or possess or carry any work keys for locked medication carts, cabinets, drawers, or containers. **MR. HATZER** shall not call in or order prescriptions or prescription refills.

Permanent Practice Restrictions

MR. HATZER shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MR. HATZER** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

MR. HATZER shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include, but are not limited to, the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

FAILURE TO COMPLY

The stay of MR. HATZER's suspension shall be lifted and MR. HATZER's license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. HATZER** has violated or breached any terms or conditions of this Order. Following the automatic suspension, the Board shall notify **MR. HATZER** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. HATZER** may request a hearing regarding the charges.

DURATION

The Board may only alter the probationary period imposed by this Order if: (1) the Board determines that **MR. HATZER** has complied with all aspects of this Order; and (2) the Board determines that **MR. HATZER** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. HATZER** and review of the reports as required herein. Any period during which **MR. HATZER** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Order.

The Board further Orders **SEAN STUART HATZER** to surrender his licensed practical nurse license, P.N. #124765, immediately.

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 30th day of July, 2010.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Nursing, 17 S. High St., Ste 400, Columbus OH 43215-7410, setting forth the order appealed from and the grounds of the party's appeal. A copy of such Notice of Appeal shall also be filed by the appellant with the Franklin County Court of Common Pleas, Columbus, Ohio. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the Ohio Board of Nursing's Order as provided in Section 119.12 of the Ohio Revised Code.

CERTIFICATION

The State of Ohio
County of Franklin

I, the undersigned Betsy J. Houchen, Executive Director for the Ohio Board of Nursing, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Board of Nursing entered on its journal, on the 30th day of July, 2010.

Betsy J. Houchen

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

July 30, 2010
Date

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order concerning, **SEAN STUART HATZER**, was sent via certified mail, return receipt requested, this 9 day of August, 2010 to **SEAN STUART HATZER**, 6618 Johnson Road, North Lewisburg, OH 43060.

I also certify that a copy of the same was sent via regular U.S. mail this 9 day of August, 2010 to Lamont Pugh, SAC, Sanctions & Exclusions, Department of Health and Human Services, Office of Inspector General, Office of Investigations, PO Box 81020, Chicago IL 60601-81020.

Betsy J. Houchen

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

bal

cc: Melissa L. Wilburn, Assistant Attorney General

Certified Mail Receipt No. 7009 1680 0001 8226 9575

Case #09-3053

Ohio Board of Nursing

www.nursing.ohio.gov

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

March 19, 2010

NOTICE OF OPPORTUNITY FOR HEARING

Sean Stuart Hatzer
1015 Village Dr.
Marysville, OH 43040

Dear Mr. Hatzer:

In accordance with Chapter 119. of the Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under the authority of Section 4723 28, ORC, to deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a licensed practical nurse; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars ($500.00) per violation for the following reasons:

1. On or about June 4, 2009, while working as a nurse at Mt. Carmel East Hospital, you were observed attempting to remove syringes from several full sharps containers. You were required to submit a specimen, which tested positive for opiates. Your employment at Mt. Carmel East Hospital was subsequently suspended.

2. On or about June 22, 2009, while suspended from your employment at Mt. Carmel East Hospital, you were seen at the hospital dressed in scrubs and using an old security code in an attempt to enter a Med Room. Upon entering the Med Room, you removed a full sharps container and placed it in your bag. After you were questioned by hospital security, you admitted that you took the sharps container. Your employment was terminated.

3. On or about July 27, 2009, you submitted a statement to the Board admitting that you have been "abusing prescription pain medication." You further admitted that you have regularly "retrieve[d] medication from sharps containers and [took] it home for self-administration."

Section 4723.28(B)(8), ORC, authorizes the Board to discipline a licensee for self-administering or otherwise taking into the body any dangerous drug, as defined in Section 4729.01, ORC, in any way not in accordance with a legal, valid prescription. Section 4723 28(B)(13), ORC, authorizes the Board to discipline a licensee for obtaining or attempting to obtain money or anything of value by intentional misrepresentation or material deception in the course of practice.

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

CERTIFIED TO BE A TRUE COPY
OHIO BOARD OF NURSING 8/12/10

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

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

Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: **Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus OH 43215-7410, or to the email address, hearing@nursing.ohio.gov.**

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

Sincerely,

Anne G. Barnett

Anne Barnett, RN, BSN, CWS
Supervising Board Member

Certified Mail Receipt No. 7002 0860 0006 5913 3129

cc: Melissa Wilburn, Assistant Attorney General