

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 672168
ISSUED TO
DANNA LOUISE WENZEL

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Danna Louise Wenzel
11745 Sunset Ranch
San Antonio, Texas 78254

During open meeting held in Austin, Texas, on May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 672168, previously issued to DANNA LOUISE WENZEL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed February 11, 2011.

Re: Permanent Certificate Number 672168
Issued to Danna Louise Wenzel
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2011, a true and correct copy of the foregoing
DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to
the following person(s):

Danna Louise Wenzel
11745 Sunset Ranch
San Antonio, Texas 78254

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
 Number 672168, Issued to §
 DANNA LOUISE WENZEL, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DANNA LOUISE WENZEL, is a Registered Nurse holding license number 672168, 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 June 16, 2008 through February 25, 2009, while employed as a Registered Nurse with University of Texas Health System San Antonio, San Antonio, Texas, Respondent admitted to misappropriating blank prescriptions from the University of Texas Health System San Antonio and using the misappropriated prescriptions to obtain Narco, Hydrocodone, Oxycontin, and Percocet from the Walgreens Pharmacy, San Antonio, Texas, CVS Pharmacy, San Antonio, Texas, and WalMart Pharmacy, San Antonio, Texas under Respondent's own name and the names of Scott Wendzel and Scottie Reese, by forging the names and Drug Enforcement Agency (DEA) numbers assigned to Maxim S. Eckmann, M.D., Marcos A. Zuazu, M.D., and Manuel Ybarra, M.D. Respondent's conduct was likely to deceive the pharmacies and possession of Narco, Hydrocodone, Oxycontin, and Percocet through use of a forged prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(8),(10)(E)&(11)(B).

CHARGE II.

On or about October 12, 2009, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, Respondent falsified patient medical records pertaining to the administration of controlled substances, as follows:

DATE	PATIENT	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
10/12/2009	AJ0000019532	Removed 2 tabs Norco @ 0654, 0830, 1117, 1305, 1439, 1635 & 1833	Documented 2 tabs Norco given @ 1833	None - Patient denied receiving any Norco.	None
10/12/2009	AJ0000024126	Removed 1 tab Norco @ 0956. Removed 2 tabs Norco @ 1440, 1635, & 1833.	Documented 2 tabs Norco given @ 1833	None - Patient denied receiving any Norco.	None

10/12/2009	AJ0000023915	Removed 2 tabs Norco @ 0720 & 1030	No documentation	None	None
10/12/2009	AJ0000022057	Removed 50mg Demerol inj. @ 1441, 1636 & 1833	No documentation	None - Respondent not assigned to this patient	None
10/12/2009	AJ0000024236	Removed 100mg Demerol Inj. @ 1440, 1600 & 1744. Removed 2 tabs Norco @ 1559 & 1832. Removed 10mg Nubain @ 1500 & 1646.	Documented administering 5mg of Nubain @ 1646	None	None

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(A)&(10)(B).

CHARGE III.

On or about October 12, 2009, while employed as a Registered Nurse with CHRISTUS Santa Rosa Health System, San Antonio, Texas, misappropriated controlled substances or failed to take precautions to prevent misappropriation from the facility and patients AJ0000019532, AJ0000024126, AJ0000023915, AJ0000022057 and AJ0000024236. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(G).

CHARGE IV.

On or about June 13, 2009, while holding a license as a Registered Nurse in the State of Texas, Respondent was arrested by the Bexar County Sheriff's Office for the offences of Fraud, Possession of a Controlled Substance/Prescription Schedule III/IV, a third degree felony, for the conduct identified in Charge I.

On or about January 11, 2011, Respondent entered a plea of Nolo Contendere to the charge of Fraud, Possession of a Controlled Substance/Prescription Schedule III/IV in the 290th District Court, San Antonio, Texas, (3rd degree felony offense committed on February 20, 2009), Cause Number 2009CR5988). As a result of the plea of Nolo Contendere, a finding of guilt was deferred and Respondent was placed on Community supervision for four (4) years and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) & (10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(13).

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).

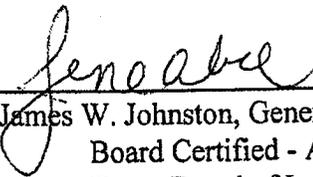
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Fraud, Theft & Deception, which 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.

Filed this 11th day of February, 2011.

TEXAS BOARD OF NURSING



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