

IN THE MATTER OF
REGISTERED NURSE
LICENSE NUMBER 448439
ISSUED TO ELIZABETH ANN WERN

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§
§
§

BEFORE 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.
Katherine A. Thomas
Executive Director of the Board

NUNC PRO TUNC ORDER OF THE BOARD

TO: Elizabeth Ann Wern
10410 High Hollows Dr., #229
Dallas, TX 75230

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Order of the Board was mistakenly entered by the Executive Director on behalf of the Board for Elizabeth Ann Wern. The Order referenced the incorrect license number of Ms. Wern on page 1 of the Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein, invalidates the Order of the Board for Elizabeth Ann Wern that is dated January 25, 2011, and submits and enters the corrected Order of the Board, which contains the correct license number of Ms. Wern. No other changes to the Order have been made. Ms. Wern received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective January 25, 2011.

Entered this 3rd day of February, 2011.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 448439 §
issued to ELIZABETH ANN WERN §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 448439, issued to ELIZABETH ANN WERN, 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 professional 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 an Associate Degree in Nursing from Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania on June 1, 1976. Respondent was licensed to practice Professional nursing in the State of Texas on May 22, 1979.
5. Respondent's complete professional nursing employment history includes:

1979-1984	RN	Baylor University Medical Center Dallas, Texas
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Respondent's complete professional nursing employment history continued:

1985-1987	RN	The Samuel Clinic Dallas, Texas
1987-1992	Unknown	
1992-1997	RN	Southwest Orthopaedic Institute Irving, Texas
1997-2000	RN	All Star Orthopaedic Surgery and Sports Medicine Irving, Texas
2001-2002	Unknown	
2002-2004	RN	Walnut Place Nursing Home Dallas, Texas
2004-2005	RN	Verandah Preston Hollow Retirement Center Dallas, Texas
08/05-02/08	RN	Traymore Nursing Center Dallas, Texas
02/08-Present	Unknown	

5. On or about , Respondent was issued the sanction of a through an Agreed Order by the Board. A copy of the Finding of Fact, Conclusions of Law and Order dated is attached and incorporated herein by reference as part of this Order.
6. Formal Charges were filed on August 24, 2009. 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 August 26, 2009.
8. On January 25, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated January 25, 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 violations of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5)&(10)(A).
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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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 448439, heretofore issued to ELIZABETH ANN WERN, to practice professional 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 professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 25th day of January, 2011.



TEXAS BOARD OF NURSING

By:



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

ELIZABETH ANN WERN
10588 High Hollows #182
Dallas, Texas 75230
Texas Registered Nurse License #448439

Voluntary Surrender Statement

April __, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional 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 Elizabeth Ann Wern Figg
Date 4/25/11
Texas Nursing License Number/s 448439

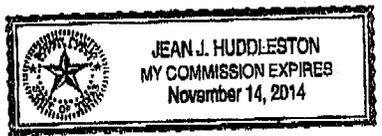
The State of Texas

Before me, the undersigned authority, on this date personally appeared ELIZABETH ANN WERN who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 25th day of JANUARY, 2011.

SEAL

[Signature]
Notary Public in and for the State of Texas



In the Matter of Permanent License § BEFORE THE TEXAS
Number 448439, Issued to §
ELIZABETH ANN WERN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ELIZABETH ANN WERN, is a Registered Nurse holding license number 448439, 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 23, 2008, while employed as a Registered Nurse with The Traymore, Dallas, Texas, Respondent lacked fitness to practice nursing, in that she appeared dazed, confused, and smelled of alcohol. Additionally, Respondent admitted to having a problem with alcohol and drinking a half gallon of Vodka everyday. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(4),(5)&(10)(A).

CHARGE II.

On or about February 29, 2008, while employed as a Registered Nurse with The Traymore, Dallas, Texas, Respondent lacked fitness to practice nursing and violated professional boundaries in that Respondent came to her place of employment, even though she was not on duty, intoxicated, and interacted with patients. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.

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

CHARGE III.

On or about March 28, 2008, while licensed as a Registered Nurse in the State of Texas, Respondent lacked fitness to practice nursing in that she was admitted and treated at Grapevine Valley Hope, Grapevine, Texas, for alcohol dependence. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

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

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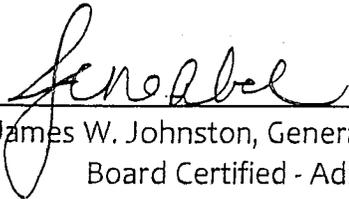
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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.

Filed this 21st day of August, 2009

TEXAS BOARD OF NURSING


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

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 75230 §
issued to ELIZABETH ANN WERN §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 75230, issued to ELIZABETH ANN WERN, 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 professional 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 an Associate Degree in Nursing from Hahnemann Medical College and Hospital, Philadelphia, Pennsylvania on June 1, 1976. Respondent was licensed to practice Professional nursing in the State of Texas on May 22, 1979.
5. Respondent's complete professional nursing employment history includes:

1979-1984	RN	Baylor University Medical Center
		Dallas, Texas

Respondent's complete professional nursing employment history continued:

1985-1987	RN	The Samuel Clinic Dallas, Texas
1987-1992	Unknown	
1992-1997	RN	Southwest Orthopaedic Institute Irving, Texas
1997-2000	RN	All Star Orthopaedic Surgery and Sports Medicine Irving, Texas
2001-2002	Unknown	
2002-2004	RN	Walnut Place Nursing Home Dallas, Texas
2004-2005	RN	Verandah Preston Hollow Retirement Center Dallas, Texas
08/05-02/08	RN	Traymore Nursing Center Dallas, Texas
02/08-Present	Unknown	

5. On or about , Respondent was issued the sanction of a through an Agreed Order by the Board. A copy of the Finding of Fact, Conclusions of Law and Order dated is attached and incorporated herein by reference as part of this Order.
6. Formal Charges were filed on August 24, 2009. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
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8. On January 25, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated January 25, 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 violations of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5)&(10)(A).
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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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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 448439, heretofore issued to ELIZABETH ANN WERN, to practice professional 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 professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 25th day of January, 2011.



TEXAS BOARD OF NURSING

By:


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

ELIZABETH ANN WERN
10588 High Hollows #182
Dallas, Texas 75230
Texas Registered Nurse License #448439

Voluntary Surrender Statement

April ____, 2011

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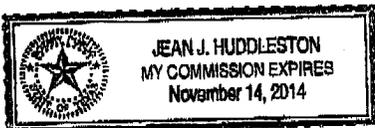
The State of Texas

Before me, the undersigned authority, on this date personally appeared ELIZABETH ANN WERN who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 25th day of JANUARY, 2011.

SEAL

[Signature]
Notary Public in and for the State of Texas



In the Matter of Permanent License § BEFORE THE TEXAS
Number 448439, Issued to §
ELIZABETH ANN WERN, Respondent § BOARD OF NURSING

FORMAL CHARGES

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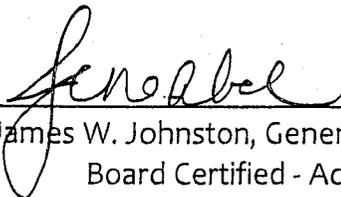
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Filed this 21st day of August, 2009

TEXAS BOARD OF NURSING



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State Bar No. 50511847

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TEXAS BOARD OF NURSING

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