IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 687716	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MONICA STAR WISSMANN	§	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

ORDER OF THE BOARD

TO: Monica Star Wissmann
2501 Shanklin Road
Belton, Texas 76513

During open meeting held in Austin, Texas, on Tuesday, November 9, 2010, 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

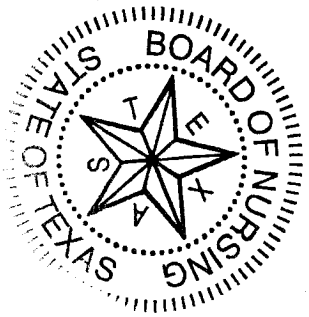
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity 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 687716, previously issued to MONICA STAR WISSMANN, 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 9th day of November, 2010.



TEXAS BOARD OF NURSING

BY: _____

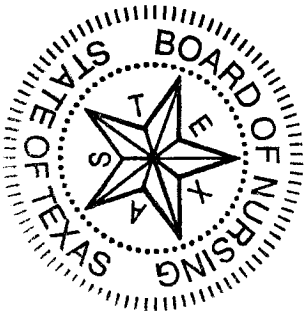
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 687716
Issued to Monica Star Wissmann
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 2010, 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):

Monica Star Wissmann
2501 Shanklin Road
Belton, Texas 76513



BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 687716, Issued to	§	
MONICA STAR WISSMANN, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MONICA STAR WISSMANN, is a Registered Nurse holding license number 687716, 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 September 1, 2009, while employed as a Registered Nurse with Austin Lakes Hospital, Austin, Texas, Respondent misappropriated two (2) .75mg Fentanyl patches belonging to the facility and/or the patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and the patients of the cost of the Fentanyl.

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(1)(B),(6)(G),(8)& (10)(E).

CHARGE II.

On or about July 12, 2010, Respondent's license to practice professional nursing in the State of California was Revoked by Default by the Board of Registered Nursing, Board of Registered Nursing, Department of Consumer Affairs for the State of California, Sacramento, California. A copy of the July 12, 2010 Default Decision and Order and Accusation from the Board of Registered Nursing, Department of Consumer Affairs for the State of California is attached and incorporated, by reference, as part of this Order.

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 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 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 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 of the Board issued by the State of California, dated July 12, 2010.

Filed this 19th day of August, 2010.

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
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: Default Decision and Order and Accusation issued by the Board of Registered Nursing, Department of Consumer Affairs for the State of California dated July 12, 2010.

0999/D

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2010-471
MONICA STAR WISSMANN **a.k.a. Monica Wissmann** **a.k.a. Monica McMurray** **1407 Doonesbury Drive** **Austin, TX 78758** **Registered Nurse License No. 635482** RESPONDENT	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 29, 2010, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2010-471 against Monica Star Wissmann (Respondent) before the Board of Registered Nursing.

2. On or about April 1, 2004, the Board of Registered Nursing (Board) issued Registered Nurse License No. 635482 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on January 31, 2010 and has not been renewed.

3. On or about March 29, 2010, Kami Pratab, an employee of the Board of Registered Nursing, Department of Consumer Affairs, served by Certified and First Class Mail a copy of the Accusation No. 2010-471, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 1407 Doonesbury Drive, Austin, TX 78758.

A copy of the Accusation is attached as Exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

As of April 23, 2010, twenty five days after service of the accusation, neither the Certified Mail Receipt nor the First Class Mail was returned to the Board.

5. Business and Professions Code section 2764 states:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2010-471.

7. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence on file herein, finds that the allegations in Accusation No. 2010-471 are true.

9. The total costs for investigation and enforcement in connection with the Accusation are $6,652.25 as of April 23, 2010.

//

//

//

//

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Monica Star Wissmann has subjected her Registered Nurse License No. 635482, to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

a. Violation of Business and Professions Code section 2761(a) - Unprofessional Conduct.

b. Violation of Business and Professions Code section 2762(a) - Obtaining or possessing controlled substances without a prescription.

c. Violation of Business and Professions Code section 2762(e) - Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to a controlled substance.

//

//

//

//

//

//

//

//

//

//

//

//

//

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2010-471
MONICA STAR WISSMANN **a.k.a. Monica Wissmann** **a.k.a. Monica McMurray** **1407 Doonesbury Drive** **Austin, TX 78758** **Registered Nurse License No. 635482** Respondent	**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 635482, heretofore issued to Respondent Monica Star Wissmann, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 12, 2010.

It is so ORDERED June 10, 2010.

Ann L Bagstar

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Accusation No. 2010-471

EDMUND G. BROWN JR.
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General
State Bar No. 91740
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5558
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **MONICA STARR WISSMANN** **a.k.a. MONICA WISSMANN** **a.k.a. Monica McMURRAY** **1407 Doonesbury Drive** **Austin, Texas 78758** **Registered Nurse License No. RN 635482** Respondent.	Case No. 2010-471 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about April 1, 2004, the Board of Registered Nursing issued Registered Nurse License Number RN 635482 to Monica Starr Wissmann (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein. The license expired on January 31, 2010, and has not been renewed.

///

///

///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct . . ."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

. . .

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. Vicodin is a brand of hydrocodone bitartrate, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(j) and is a dangerous drug per Code section 4022.

12. Dilaudid is a brand of hydromorphone hydrochloride, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b) and a dangerous drug as designated by Business and Professions Code section 4022, used for pain relief.

13. Morphine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M), and a dangerous drug as designated by Business and Professions Code section 4022. It is used to treat moderate to severe pain.

14. Methadone is a synthetic narcotic analgesic, a controlled substance as designated by Health and Safety code section 11055(c)(14), and a dangerous drug as designated by Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(ILLEGALLY OBTAIN OR POSSESS CONTROLLED SUBSTANCES)

15. Respondent is subject to disciplinary action under Code section 2761(a) on the grounds of unprofessional conduct, as defined by Code section 2762(a), in that while on duty as a

registered nurse at Contra Costa Regional Medical Center (CCRMC), Martinez, California, Respondent illegally obtained and/or possessed controlled substances as follows:

Patient A:

a. On May 1, 2007 at 01:01, Respondent removed two Vicodin tablets from the hospital Omnicell[1]. Respondent failed to document administration or wastage of the Vicodin, or otherwise account for its disposition.

b. On May 1, 2007 at 07:02, Respondent removed 10 mg of morphine from the hospital Omnicell. Respondent documented administration of 4 mg of the morphine, but failed to document wastage of the remaining 6 mg or otherwise account for its disposition.[2]

Patient B:

a. On April 28, 2007 at 20:53, Respondent removed one Vicodin tablet from the hospital Omnicell. Respondent failed to document administration or wastage of the Vicodin, or otherwise account for its disposition.

Patient C:

a. On May 2, 2007 at 16:29, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 16:00 (prior to the time of the removal of the medication) and failed to document wastage of the remaining Dilaudid or account for its disposition.

b. On May 2, 2007 at 18:12, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 18:00 (prior to the time of the removal of the medication) and failed to document wastage of the remaining Dilaudid or account for its disposition.

c. On May 2, 2007 at 20:10, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 20:00 (prior to the

---

[1] Omnicell is a hospital computerized medication storage system.

[2] At CCRMC, morphine is available in 2 mg, 4 mg and 10 mg vials.

time of the removal of the medication) and failed to document wastage of the remaining Dilaudid or account for its disposition.

d. On May 2, 2007 at 22:02, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent documented administration of 1 mg of the Dilaudid at 22:30 and failed to document wastage of the remaining Dilaudid or account for its disposition.

e. On May 2, 2007 at 22:43, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Although Respondent documented wasting 1 mg of the Dilaudid, Respondent failed to document administration of the Dilaudid and failed to document wastage of the remaining Dilaudid or account for its disposition.

f. On May 3, 2007 at 00:20, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Although Respondent documented wasting 1 mg of Dilaudid, Respondent failed to document administration of the Dilaudid and failed to document wastage of the remaining Dilaudid or account for its disposition.

g. On May 3, 2007 at 04:13, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Although Respondent documented wasting 1 mg of the Dilaudid, Respondent failed to document administration of the Dilaudid and failed to document wastage of the remaining Dilaudid or account for its disposition.

h. On May 3, 2007 at 06:52, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent failed to document administration of the Dilaudid and failed to document wastage of the remaining Dilaudid or account for its disposition.

Patient D:

a. On April 28, 2007 at 21:54, Respondent removed 10 mg of Methadone from the hospital Omnicell. At 22:00 Respondent documented administration of Methadone, but did not indicate the amount administered.

b. On April 28, 2007 at 22:22, Respondent removed 10 mg of Methadone from the hospital Omnicell (in excess of physician's orders which called for Methadone to be given twice a day). Respondent failed to document administration of the Methadone and failed to document wastage of the Methadone or otherwise account for its disposition.

Patient E:

a. On May 4, 2007 at 01:29, Respondent removed 2 mg of Dilaudid from the hospital Omnicell. Respondent documented administration of .05 mg of the Dilaudid, but failed to document wastage of the remaining 1.5 mg or otherwise account for its disposition.

SECOND CAUSE FOR DISCIPLINE

(FALSIFY, OR MAKE GROSSLY INCORRECT, GROSSLY INCONSISTENT, OR UNINTELLIGIBLE ENTRIES IN ANY PATIENT RECORD)

16. Respondent is subject to disciplinary action under Code section 2761(a) on the grounds of unprofessional conduct, as defined by Code section 2762(e), in that while on duty as a registered nurse at CCRMC, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records, as alleged above in paragraph 15.

THIRD CAUSE FOR DISCIPLINE

(UNPROFESSIONAL CONDUCT)

17. Respondent is subject to disciplinary action under section 2761(a) in that she acted unprofessionally as alleged above in paragraphs 15 and 16.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 635482, issued to Monica Starr Wissmann;

2. Ordering Monica Starr Wissmann to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

///

///

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/29/10

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SF2009405646