



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 532342 § REINSTATEMENT
issued to PAMELA GORDON SERTICH § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereina referred to as the Board, the Petition for Reinstatement of Registered Nurse License Nun 532342, held by PAMELA GORDON SERTICH, hereinafter referred to as Petitioner.

An informal conference was held on July 1, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Louis Leichter, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Denise Benbow, MSN, RN, Nurse Consultant; Victoria Cox North, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Asheville-Buncombe Technical Institute, Asheville, North Carolina, on May 1, 1977. Petitioner received a Baccalaureate Degree in Nursing from the University of South Florida, Tampa, Florida, in 1984. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 6, 1986.
4. Petitioner's professional nursing employment history includes:

1977 - 1978	ICU Staff Nurse	Memorial Mission Hospital Asheville, North Carolina
-------------	-----------------	--

Petitioner's professional nursing employment history continued:

6/78 - 3/80	SICU/Labor & Delivery Staff Nurse	Charity Hospital New Orleans, Louisiana
6/80 - 10/81	PICU Staff Nurse	All Children's Hospital St. Petersburg, Florida
11/81 - 12/81	Staff Nurse	Tampa General Hospital Tampa, Florida
1/82 - 6/82	Staff Nurse	Humana Hospital Louisville, Kentucky
6/82 - 6/86	Staff Nurse	Tampa General Hospital Tampa, Florida
6/86 - 12/86	Staff Nurse	University Hospital San Antonio, Texas
1/87 - 1989	Not employed in nursing	
1989 - 1991	Staff Nurse	Methodist Healthcare System San Antonio, Texas
1992 - 1998	Not employed in nursing	
1998 - 10/00	Agency Nurse	Various Home Health Agencies
11/00 - 5/02	Case Manager	Brit-Tex Home Health San Antonio, Texas
6/02 - 11/02	Clinical Care Coordinator	Pediatric Services of America San Antonio, Texas
12/02 - 5/03	MICU Staff Nurse	Baptist Healthcare System San Antonio, Texas
6/03 - 3/05	Staff Nurse	Metropolitan Hospital San Antonio, Texas
4/05 - present	Not employed in nursing	

5. On May 9, 2006, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas. A copy of the May 9, 2006, Order of the Board and Formal Charges is attached and incorporated, by reference, as a part of this Order.
6. On or about April 15, 2008, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Letter, dated May 5, 2007, from Sandra Fetting, Parole Officer, Texas Department of Criminal Justice, San Antonio, Texas, states Petitioner is in compliance with all parole conditions of release.
 - 7.2. Letter of support, dated August 1, 2007, from Ben Bingham, Attorney at Law, San Antonio, Texas, states he is the attorney that represented Petitioner since her ex-husband's third bankruptcy was filed in October 2004. Mr. Bingham's opinion is that Petitioner has been the victim of bad advice from her criminal lawyer more than anything else. Petitioner was advised to enter a plea bargain on facts for which no jury would ever convict her or find that she had criminal intent. If her ex-husband had paid her as he agreed to do under their divorce decree, she never would have been convicted of a crime and sent to prison. If he had paid her, she could have paid the restitution required to prevent conviction. During Mr. Bingham's course of representing Petitioner, he has known her to be candid, honest, ethical and cooperative. He is amazed at her strength, both physically and her strength of character and positive attitude in the face of the most vicious manipulation by an ex-husband. Throughout these trials, the two things that she was most worried about were her children and her nursing license. Mr. Bingham respectfully recommends that Petitioner's license to practice nursing be reinstated.
 - 7.3. Letter of support, dated June 4, 2007, from Shelbie Hulse, Helotes, Texas, states she has been a fellow employee and friend of Petitioner and has known her for about eight (8) years. Ms. Hulse sponsored Petitioner when she was up for parole and she lived with her for a couple of months until she was able to provide for herself. Petitioner was not resentful, but grateful for the opportunity to move forward. She was very disappointed when she realized she lost her nursing license and has made every effort to put herself on track to be reinstated. Petitioner is loyal and devoted to her career. Ms. Hulse highly recommends Petitioner as a person of integrity for reinstatement as a registered nurse again.
 - 7.4. Letter of support, dated June 4, 2007, from David Walsh, San Antonio, Texas, he has known Petitioner for thirteen (13) years. During this time, he has always been amazed at her level of enthusiasm and degree of integrity. Petitioner has been a hard worker in her nursing career, loyal and dedicated. She has taken on and has extended

been a hard worker in her nursing career, loyal and dedicated. She has taken on and has extended her professionalism to her every day life. She has demonstrated a community attitude in that she has cooked meals and taken them to several people over the years who were unable to help themselves. When Petitioner was released from prison, she blamed herself for working so hard that she did not pay attention to her financial situation to have caught it earlier. She is making every effort to get her life and her children's lives back on track. Her professional life as a registered nurse has always been top notch. Mr. Walsh recommends that Petitioner's license be reinstated.

- 7.5. Letter of support, dated June 5, 2007, from Alexandra Walsh, Columbus, Ohio, states she has known Petitioner for ten (10) years. Ms. Walsh finds Petitioner to be very honest and recommends that her nursing license be reinstated.
- 7.6. Letter of support from Trey Sertich states his mother has been a nurse for thirty (30) years. Mr. Sertich realizes that people make mistakes and that some mistakes lead to unforgivable consequences, but he does not think that is the case here. Petitioner recognizes the mistakes she has made and feels utter remorse for the suffering she has caused to her family. The healthcare system is her entire life outside of the family. Mr. Sertich asks that the Board allow Petitioner to return to nursing.
- 7.7. Documentation of twenty(20) Type 1 contact hours.
8. When Petitioner engaged in the underlying conduct that resulted in her conviction, there was absence of a criminal plan or premeditation.
9. The underlying conduct occurred in 2001 and she was convicted and sentenced in 2005. Petitioner has no criminal behavior subsequent to her conviction.
10. On July 16, 2008, Board Staff received confirmation from Jesse Alonzo of Jefferson Bank in San Antonio that Petitioner deposited \$1,100 into her account and the Bank erroneously placed \$110,000 in her account.
11. Petitioner has been making small payments towards restitution.
12. Petitioner has no past criminal behavior.
13. Petitioner is compliant with the conditions of her parole. Petitioner submitted a letter dated May 5, 2007 from Sandra Fetting, Parole Officer, Texas Department of Criminal Justice, that states she is in compliance. On August 6, 2008, Board Staff received confirmation from Officer Westlow, Petitioner's current parole officer, that Petitioner is still in compliance with the conditions of her release.

14. Prior to her conviction in 2005, Petitioner worked for Baptist Healthcare System from December 2002 to May 2003, then worked for Methodist Healthcare at the metropolitan hospital and later at the main hospital from June, 2004 to March, 2005. Since her release, Petitioner has worked for a family, taking care of a small child and household duties.
15. Petitioner has submitted an evaluation from Christopher B. Ticknor, MD who is a Board Certified Psychiatrist. Dr. Ticknor states that he evaluated Petitioner on June 30, 2008 and states he does not find evidence for a psychiatric diagnosis. He finds no basis to conclude she represents a danger to the public welfare and sees no reason why she cannot resume professional nursing without restriction.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of PAMELA GORDON SERTICH, Registered Nurse License Number 532342, to practice professional nursing in the state of Texas, be and the same is hereby DENIED, WITH THE DENIAL STAYED, AND SUBJECT TO THE FOLLOWING PROBATION CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and the stipulations contained in this Order:

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

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

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to PAMELA GORDON SERTICH, shall be subject to the following agreed post-licensure probation conditions:

(2) RESPONDENT SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring

institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL CAUSE parole officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from parole.

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR FIVE (5) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH SIXTY (60) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of

this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for five (5) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

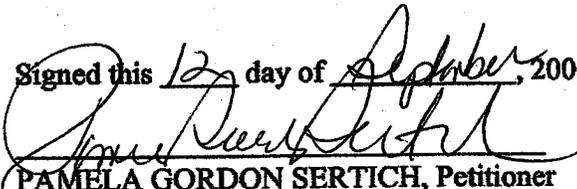
CONTINUED ON NEXT PAGE

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

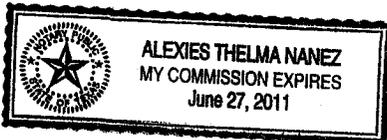
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

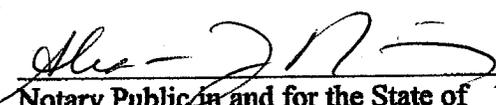
Signed this 12 day of September, 2008.


PAMELA GORDON SERTICH, Petitioner

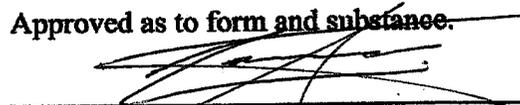
Sworn to and subscribed before me this 12 day of September, 2008.

SEAL



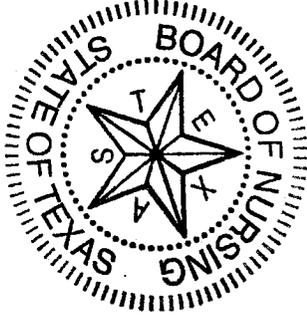

Notary Public in and for the State of Texas

Approved as to form and substance.


LOUIS LEICHTER, Attorney for Petitioner

Signed this 16 day of Sept, 2008.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 12th day of September, 2008, by PAMELA GORDON SERTICH, Registered Nurse License Number 532342, and said Order is final.



Effective this 23rd day of October, 2008.


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

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 532342
ISSUED TO
PAMELA GORDON SERTICH

§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Pamela Gordon Sertich
506 Thelma Dr.
San Antonio, Texas 78212

During open meeting held in Austin, Texas, on Tuesday, May 9, 2006, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

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 to set aside the default order (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 532342, previously issued to PAMELA GORDON SERTICH, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 532342, previously issued to PAMELA GORDON SERTICH, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 9th day of May, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


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

In the Matter of Permanent Registered § BEFORE THE BOARD
Nurse License Number 532342, Issued to § OF NURSE EXAMINERS
PAMELA GORDON SERTICH, Respondent § FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PAMELA GORDON SERTICH, is a Registered Nurse holding license number 532342, 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 March 21, 2005, Respondent was convicted of the offense, "Theft \$100K to \$200K," a Second Degree Felony, in the Bexar County, Texas, 175th District Court, Cause Number 2003CR5907. Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of ten (10) years, and required to pay restitution in the amount of sixty-two thousand, two hundred thirty-five dollars (\$62,235.00).

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 revocation of Respondent's license to practice professional nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. 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).

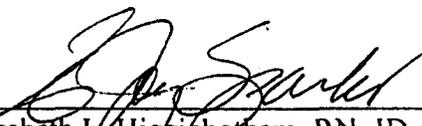
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 6th day of February, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-7401 or (512) 305-6870



Elizabeth L. Higginbotham, RN, JD
Assistant General Counsel
State Bar No. 00787694

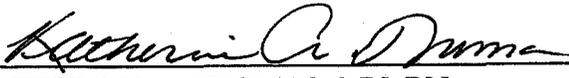
E. Joy Sparks
Assistant General Counsel
State Bar No. 18874600
BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-7401 or (512) 305-6870

Re: Permanent Certificate Number 532352
Issued to PAMELA GORDON SERTICH
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May, 2006, 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):

Pamela Gordon Sertich
506 Thelma Dr.
San Antonio, Texas 78212

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