IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 212561	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
SARAH ELIZABETH SEARS	§	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

ORDER OF THE BOARD

TO: Sarah Elizabeth Sears
271 Big Sky Drive
New Braunfels, Texas 78132

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 vocational 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 212561, previously issued to SARAH ELIZABETH SEARS, to practice vocational 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 vocational nursing in the State of Texas.

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed March 4, 2011.

Re: Permanent Certificate Number 212561
Issued to Sarah Elizabeth Sears
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):

Sarah Elizabeth Sears
271 Big Sky Drive
New Braunfels, Texas 78132

BY: Katherine A. Thomas

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

In the Matter of Permanent License Number 212561, Issued to SARAH ELIZABETH SEARS, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SARAH ELIZABETH SEARS, is a Vocational Nurse holding license number 212561, 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 August 27, 2010, while holding a license to practice vocational nursing in the State of Texas, Respondent received disciplinary action, in the form of a Consent to Surrender License/Privilege to Practice, from the North Carolina Board of Nursing wherein Respondent's license to practice practical nursing, Certificate No. 73149, in the State of North Carolina was accepted for surrender while Respondent was under investigation of allegations that Respondent failed to properly waste narcotics; and failed to document the administration of medications to patients, in lieu of further administrative action. Respondent's conduct was unprofessional and dishonorable that was likely to deceive, defraud, or injure a patient or the public. A copy of the North Carolina Board of Nursing Acceptance of Voluntary Surrender, dated August 27, 2010 is attached and incorporated by reference as part of these charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8)&(10), 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 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, for Lying and Falsification 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 Orders which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: North Carolina Board of Nursing Acceptance of Voluntary Surrender dated August 27, 2010.

Filed this 4th day of March, 2011.

TEXAS BOARD OF NURSING

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
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TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
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Attachments: North Carolina Board of Nursing Acceptance of Voluntary Surrender dated August 27, 2010.

D/2010.12.28

ACCEPTANCE OF VOLUNTARY SURRENDER
NORTH CAROLINA BOARD OF NURSING

1. On August 27, 2010, Sarah Elizabeth Sears, submitted a letter to the North Carolina Board of Nursing (hereafter known as the Board) stating the licensee's desire to voluntarily surrender their license to practice nursing in North Carolina.

2. The voluntary surrender of a license is considered a discipline action and Sarah Elizabeth Sears understands that by voluntarily surrendering the license, they are waiving all rights to seek judicial review as to otherwise challenge the validity of this discipline action.

3. The acceptance of the voluntary surrender becomes a public record under the North Carolina Public Record Statute G.S. Chapter 132 and Board Policy.

4. The voluntary surrender shall be in effect for a minimum of one (1) year and if and until all conditions of reinstatement as outlined by the Board are met.

This the 27th day of August, 2010.

Donna H Mooney

Donna H. Mooney, RN, MBA
Manager, Discipline Proceedings

NORTH CAROLINA BOARD OF NURSING
CONSENT TO SURRENDER LICENSE/PRIVILEGE TO PRACTICE

I, Sarah Elizabeth Sears, Licensed Practical Nurse, Certificate # 73149 from the state of North Carolina, having been advised by a Representative of the North Carolina Board of Nursing (hereafter known as the Board) of pending charges against me and, also, of my right to have an Administrative Hearing where I am afforded notice and an opportunity to confront witnesses against me, do hereby voluntarily waive my rights before the Board to an Administrative Hearing under G.S. 90-171.37 and G.S. 90-171.37A in exchange for ending this matter and no further investigation will be conducted.

Further, I hereby surrender, to the Board, my license/privilege to practice as a Registered Nurse for a minimum of one (1) year.

This surrender shall constitute my consent to all conditions as explained to me by Brian Stewart, BSCJ, for the Board on August 26, 2010. This surrender of my license will be considered by the Board to be a disciplinary action and will be reported to the appropriate entities as outlined by Board policy, and as required by state and/or federal guidelines. Those entities include, but may not be limited to: NURSYS, National Practitioner Data Bank (NPDB), the Office of the Inspector General (OIG), Health Care Integrity and Practitioner Data Bank (HIPDB) and any other state/jurisdiction in which the licensee is or has been licensed.

I fully understand and agree, that I shall not practice nursing during the time my license is held by the Board; and, in turn, the Board agrees to consider my petition for review of my status at some point in the future.

Prior to requesting reinstatement of my license, I must contact the Board to determine what type of evidence will be needed, in order that my petition for reinstatement will be considered. The requested evidence must be submitted with the request for reinstatement.

8/27/10
DATE

Sarah E Sears
SIGNATURE

Donna H Murray
Board Representative

Witness

Sarah Elizabeth Sears, Licensed Practical Nurse Cert# 73149

On June 30, 2010, the North Carolina Board of Nursing received a complaint from the CNO at Murphy Medical Center Nursing Home in Murphy, NC alleging that on June 18, 2010, staff discovered that Fentanyl was missing. A limited accountability audit was conducted and Ms. Sears had multiple discrepancies specific to the documentation of medication. Upon review of video surveillance, it was determined that she was not in the patients' room at the time the medication was documented as given.

She was interviewed on June 30, 2010. When she was confronted about the medications, she could not account for the missing medications; nor could she explain the discrepancies. She further stated that she got sloppy with her documentation and she must have given the medication to her patients and not documented on the MAR. She denied diversion and further reported that she did not have a problem with drugs.

An internal audit that was completed revealed the following:

- Fentanyl Patches were not properly wasted with a witness.
- Doses of Percocet and Oxycontin removed by Ms. Sears and there was no further documentation to substantiate that the medication was given to the resident or that the medication was properly wasted.
- Multiple time discrepancies to include medications being documented as given prior to the time of removal.

On August 24, 2010, Board staff was notified that on August 2, 2010, Ms. Sears renewed her LPN license in the state of Texas, and she claimed that Texas was her primary state of residence. Board staff called her and she stated that she was relocating to Texas in early September 2010. Board staff explained that the complaint from Murphy Medical Center Nursing Home was still pending and she was asked how she wanted to proceed with the matter. She stated that she did not intend to return to North Carolina and then asked about surrendering her North Carolina license. Board staff explained that she could surrender her North Carolina license, however, the surrender would be considered as a disciplinary action. She acknowledged

that she understood and asked if she could have additional time to think about her options. It was decided that she would call the Board on August 26, 2010 to further discuss her options.

On August 27, 2010, staff received the surrender statement from her. This is the first discipline action taken against this licensee. She is a 2007 graduate of the St. Phillip's College in Texas. She endorsed to NC in October 2009.