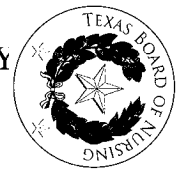
IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 672118	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MICHELLE RENEE SANDERS	§	BOARD OF NURSING



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: Michelle Renee Sanders
404 E. Carpenter St.
Trinidad, TX 75163

During open meeting held in Austin, Texas, on Tuesday, March 8, 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 672118, previously issued to MICHELLE RENEE SANDERS, 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 **8th** day of **March**, **2011**.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charges filed January 6, 2011.

Re: Permanent Certificate Number 672118
Issued to MICHELLE RENEE SANDERS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March, 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):

Michelle Renee Sanders
404 E. Carpenter St.
Trinidad, TX 75163

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 672118, Issued to	§	
MICHELLE RENEE SANDERS, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MICHELLE RENEE SANDERS, is a Registered Nurse holding license number 672118, 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 18, 2010, Respondent's license to practice professional nursing in the State of New Mexico was REVOKED BY DEFAULT by the State of New Mexico, Board of Nursing, Albuquerque, New Mexico. A copy of the Default Order, dated August 18, 2010, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about December 3, 2010, Respondent submitted a Texas Board of Nursing License Renewal Form (Delinquent for over 90 days), in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate, or mulit-state privilege held by you now or previously, or ever fined, censured, reprimanded, or otherwise disciplined you? . . ." Respondent failed to disclose that on August 18, 2010, her license to practice professional nursing was REVOKED BY DEFAULT by Board of Nursing For the State of New Mexico, Albuquerque, New Mexico. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

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

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CONTINUED ON NEXT PAGE.

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: Default Order dated August 18, 2010, issued by the Board of Nursing For the State of New Mexico, Albuquerque, New Mexico.

Filed this 6th day of January, 2011.

TEXAS BOARD OF NURSING

R. Kyle Hensley

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 Order dated August 18, 2010, issued by the Board of Nursing For the State of New Mexico, Albuquerque, New Mexico.

0999/D

BEFORE THE B0ARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
Michelle Sanders
LICENSE NO.: R64931

Respondent

Copy of the records on the Board of Nursing. Signed: ___ New Mexico

DEFAULT ORDER

THIS MATTER having come before the Board of Nursing ("BON") on Wednesday, August 18, 2010, the BON finds the following:

1. A Notice of Contemplated Action was served on the respondent in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.

2. The respondent has not mailed a request for hearing within the time and in the manner required by N.M.S.A. §61-1-4 and is therefore in default.

IT IS THEREFORE ORDERED THAT: the license of Michelle Sanders, R64931, is hereby revoked by default.

8/18/10
DATE

Terri Fortner
TERRI FORTNER, CHAIRPERSON
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO: 70090960000022368006
RETURN RECEIPT REQUESTED

BEFORE THE BOARD OF NURSING

FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
Michelle Sanders
License No. R64931

Respondent.

...opy of the
New Mexico
...records ...
Board of Nursing
Signed:

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").

2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.

3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.

4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

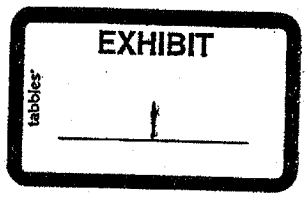
C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: 6·10·10

Deborah J. Walker RN, MSN

Deborah J. Walker, RN, MSN
Executive Director
6301 Indian School RD NE
Suite 710
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 70090960000022361211
RETURN RECEIPT REQUESTED



INVESTIGATIVE SUMMARY
New Mexico Board of Nursing

Licensee:	**Michelle Sanders, RN**
License#:	**R64931**
Complainant:	**T. Cindy Baez, RN** **San Juan Regional Hospital**
Reference #:	**2418**

On January 19, 2010, a complaint was filed by T. Cindy Baez, RN, San Juan Regional Medical Center, against Michelle Sanders, RN, #R64931, alleging:

Addiction to the Use of Habit Forming Drugs
Unprofessional Conduct

Specifics of the Complaint

- On August 26, 2009, Licensee received a written counseling regarding her alleged failure to comply with medication administration and documentation policies of the facility. Diversion reports revealed 3-4 standard deviations above other nurses. Investigation revealed medications were not being scanned or documented in the patient's medical record.
- On December 27, 2009, it was allegedly reported that the Licensee's ability to perform her duties as charge nurse and primary nurse were compromised. Licensee failed to complete required documentation on an admitted patient and several times during the night staff allegedly witnessed her falling asleep:

1. While starting and infusion;
2. After placing a Foley she was found leaning over the patient asleep;
3. While placing the leg strap on the patient;
4. While completing shift report.

- Based upon the above reported behaviors, a controlled substance usage report was generated and revealed excessive amounts of controlled substances being withdrawn for patients and frequency exceeding physician orders.
- On December 28, 2010, Licensee was drug screened and was found to have a a positive screen for Morphine at 1720 ng/ml, Hydromorphone at 15,259 ng/ml, and Oxycodone at 563 ng/ml.
- Licensee was terminated from her position at the hospital on January 8, 2010.

Investigative Findings

- T. Cindy Baez, RN stated, "She was not a new nurse, she had experience. We noticed she was on our Diversion Report. There were several discrepancies with her being 3 standard deviations above other nurses".
- T. Cindy Baez, RN stated, "We had a meeting to discuss the Diversion Report. In that meeting with (Licensee) and the manager, she really didn't have a reason for withdrawing excessive amount of drug (Attachment #5). We discussed the need to follow policy with her. There were no discrepancies for a couple of months till December. Then the manager did another review of the Diversion Report (Attachment #6) and (Licensee) was 4 standard deviations above other nurses".
- T. Cindy Baez, RN stated, "After (Licensee's) drug screen, she failed to show up for the MRO (Medical Review Officer) meeting (Attachment #7). She called 10 minutes after her appointment and said she was unable to attend because of childcare issues. The secretary even told her she would watch her child for her if she would come in. She failed to show up to the 11 o'clock meeting with the manager".
- T. Cindy Baez, RN stated, "(Licensee's) drug of choice was Dilaudid".

Diversion Program offer was send to the Licensee to two separate addresses on February 9, 2010, with one of the offers being returned to the New Mexico Board of Nursing with a new address. On April 7, 2010, another Diversion Program offer was mailed to the Licensee and the filed returned to Investigation.

Notification Letter mailed to the Licensee on April 12, 2010 was returned to the New Mexico Board of Nursing unclaimed.

- Karen Umbhau, RN stated, "These notes are being written to document several events that occurred, on my shift, December 27, 2009, on the Medical floor involving Charge Nurse (Licensee). Before midnight: At one point in the core when both (Licensee) and I were collecting supplies/medications, (Licensee) started to read off the ER report information on my new admit in room 461. I attempted several times to stop her, telling her I needed tow rite it all down as her notes were illegible. The first parts of her woods were clear and the ends drifted off into a line".
- Karen Umbhau, RN stated, "0100-0500: (Licensee) and I both went into room 461 with IV fluids and medications. The lights were dim and the patient was awake speaking to us with her eyes closed. (Licensee) was asking her questions similar to questions on the Adult Assessment. (Licensee) was struggling to prime the tubing and lock it into the pump as if she could not remember how to do it. Every couple seconds she'd fall asleep holding onto the pump and would awaken, as the patient would answer a question. I helped her and then took over. She apologized to me for fumbling and stated, 'she wasn't thinking straight and very tired'.
- Karen Umbhau, RN stated, "(Licensee) spent a lot of time throughout the night in the bathroom, (N. Hallway). Her pumps continued to beep and a call came from

room 459 for pain medication. I called her on my phone and it sounded as if she dropped the phone on the floor. She told me, 'tell him I am still in the bathroom and I'll be right out'. She then came right out of the bathroom".

- Karen Umbhau, RN stated, "At 0145, I went to get some lunch from the cafeteria. (Licensee) offered to put in a Foley for may patient in room 454. I got back to the floor at 0200 and (Licensee) was still working on placing the Foley. I offered to help her and went to get a leg strap. When I got back, (Licensee) was leaning over the patient with her eyes closed. The sterile field/supplies were still in place on the bed, the Foley was in and draining into the Foley bag, which was still in the box. I attempted to place the leg strap and she took it from my hands and struggled to take the tape off. I helped her and she placed her hand over mine while I placed the strap. Her hand became still and she again was sleeping. I reiterated to her again how tired she was and she agreed".
- Karen Umbhau, RN stated, "0400, (Licensee sat at the nursing station with Bridgett on her right. For 45 minutes (Licensee) drifted off trying to complete shift report."