

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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.
Patricia P. Thomas
 Executive Director of the Board

In the Matter Registered Nurse	§	
License Number 752312	§	AGREED
issued to NICOLE SABRINA REED (SEARS)	§	ORDER

An Eligibility and Disciplinary Committee meeting was held on December 14 at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Occupations Code.

Petitioner appeared in person. In attendance were Beverly Nutall, LVN, Deborah Bell, CLU, ChFC; Kathy Leader-Horn, LVN; and Tamara Cowen, MSN, RN. Staff present were James Johnston, General Counsel; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Department; Allison Hassinger, Legal Assistant; Earl E. Stearns, Supervising Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Petitioner waived notice and hearing, and consented to the entry of this Order.
2. Petitioner currently holds a license to practice professional nursing in the State of Texas.
3. Petitioner received a Baccalaureate Degree in Nursing from Hampton University, Hampton, Virginia, on December 15, 2007. Petitioner was licensed to practice professional nursing in the State of Texas on March 5, 2008.
4. Petitioner's professional nursing employment history includes:

3/08 - unknown	Staff Nurse	The Oaks Treatment Center Austin, Texas
10/08 - 6/09	Staff Nurse	Austin State Hospital Austin, Texas

Petitioner's professional nursing employment history continued:

6/09 - present	Staff Nurse/Quality Assurance Nurse	A-Med Home Health Austin, Texas
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5. On December 8, 2009, Petitioner's license to practice professional nursing in the State of Texas was placed in a Limited status. A copy of the December 8, 2009, Agreed Order, Findings of Fact, and Conclusions of Fact are attached and incorporated, by reference, as part of this Order.
6. On or about October 11, 2010, Petitioner submitted a request for an Exception to the Agreed Order issued December 8, 2009, by the Texas Board of Nursing, for License Number 752312 to practice professional nursing in the State of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. 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 and ORDERED, subject to ratification by Katherine Thomas, MN, RN, Executive Director, that PETITIONER SHALL receive the sanction of a WARNING WITH STIPULATIONS, and PETITIONER SHALL comply 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 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.

IT IS FURTHER AGREED that:

(1) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

(2) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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) 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. PETITIONER 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 PETITIONER'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) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website: <http://www.dads.state.tx.us/providers/Training/jointtraining.cfm> or by contacting (512) 438-2201.*

(4) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(5) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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.

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

(7) For the duration of the stipulation period, PETITIONER 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 one (1) year 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.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. 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 understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my licenses to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

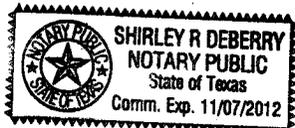
Signed this 07 day of Feb., 20 11.

Nicole S. Reed, RN
NICOLE SABRINA REED (SEARS), Petitioner

Sworn to and subscribed before me this 07 day of February, 20 11.

SEAL

Shirley R. DeBerry
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 7th day of February, 2011, by NICOLE SABRINA REED (SEARS), Registered Nurse License Number 752312, and said Order is final.



Effective this 11th day of February, 2011.

Katherine A. Thomas

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

Respondent's professional nursing employment history continued:

06/09 - present	RN	A-Med Home Health Austin, Texas
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6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Austin State Hospital, Austin, Texas, and had been in this position for seven (7) months.
7. On or about May 23, 2009, while employed as a Registered Nurse at the Austin State Hospital, Austin, Texas, Respondent physically abused Patient Identification Number 212509 by chasing him around, swinging her arms at him, and striking him. Respondent's conduct was likely to injure the patient in that it unnecessarily exposed the patient to risk of further abuse or injury and/or emotional harm.
8. In response to Finding of Fact Number Seven (7), Respondent stated that without provocation, the patient yelled at Respondent and punched her on the left side of her face, causing her glasses to break. Respondent tried to restrain the patient to prevent further harm to herself and others, but the patient then kicked Respondent in the stomach. The patient was moved into a hallway, and Respondent walked over to the patient and tapped him with her finger stating that "You had no right to hit me the way you did, you are not to hit staff."

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)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 752312, heretofore issued to NICOLE SABRINA SEARS, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas

Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply 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 this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) Should RESPONDENT desire to return to a clinical practice setting which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval. RESPONDENT shall not petition the Board for such approval until: at least one (1) year has elapsed from the date of this Order. Further, RESPONDENT shall be required to satisfy all then existing requirements for approval.

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RESPONDENT'S CERTIFICATION

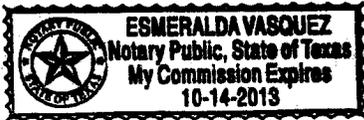
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. 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 understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of October, 2009.

Nicole S. Sears RN
NICOLE SABRINA SEARS, Respondent

Sworn to and subscribed before me this 30 day of October, 2009.

SEAL



Esmeralda Vasquez
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Joel B. Bennett
JOEL B. BENNETT, Attorney for Respondent

Signed this 30th day of October, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of October, 2009, by NICOLE SABRINA SEARS, License Number 752312, and said Order is final.

Effective this 3rd day of Dec., 2009



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