

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 578113
ISSUED TO
SANDRA KAY OLSEN

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Sandra Kay Olsen
1840 Tom Bolt
El Paso, Texas 79936

During open meeting held in Austin, Texas, on 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 578113, previously issued to SANDRA KAY OLSEN, 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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 578113, Issued to §
SANDRA KAY OLSEN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SANDRA KAY OLSEN, is a Registered Nurse holding license number 578113, 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 12, 2010, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on December 14, 2009, requiring her to participate in the Texas Peer Assistance Program for Nurses (TPAPN). Non-compliance is the result of her failure to execute and comply with all requirements of the TPAPN participation agreement. Stipulations Numbers One (1) and Three (3) of the Agreed Order, provide in pertinent part:

- (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement...
- (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...

A copy of the December 14, 2009 Agreed Order, Findings of Fact and Conclusions of Law 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)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9) & (11)(B).

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

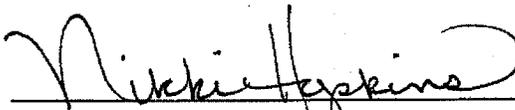
pleading and can be found at the Board's website, www.bon.state.tx.us.

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 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: Agreed Order dated December 14, 2009.

Filed this 9^{am} day of September, 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: Order of the Board dated December 14, 2009

0999/D

Re: Permanent Certificate Number 578113
Issued to SANDRA KAY OLSEN
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9 day of 11, 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):

Sandra Kay Olsen
1840 Tom Bolt
El Paso, Texas 79936

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

BEFORE THE TEXAS BOARD OF NURSING

***** DEC 23 2009

In the Matter of Registered Nurse § AGREED
License Number 578113 §
issued to SANDRA KAY OLSEN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SANDRA KAY OLSEN, Registered Nurse License Number 578113, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 29, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate in Nursing from the University of Texas - El Paso, El Paso, Texas, in December 1991. Respondent was licensed to practice professional nursing in the State of Texas on March 17, 1992.
5. Respondent's complete nursing employment history is unknown.

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), Respondent was employed as a Staff Nurse with El Paso Psychiatric Center, El Paso, Texas, and had been in this position for approximately three (3) months.
7. On or about May 4, 2006, while employed as a Registered Nurse with the El Paso Psychiatric Center, El Paso, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she fell asleep in front of the computer, appeared dazed and listless, had difficulty comprehending answers to her questions, and had difficulty rendering care to her patients and documenting her nursing care in patient records, resulting in the charge nurse caring for her assigned patients. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about May 11, 2006, while employed as a Registered Nurse with the El Paso Psychiatric Center, El Paso, Texas, Respondent left her nursing assignments without notifying the appropriate personnel. Respondent's conduct was likely to injure patients in that she left the facility without adequate licensed staff to provide nursing care.
9. On or about May 12, 2006, while employed as a Registered Nurse with the El Paso Psychiatric Center, El Paso, Texas, Respondent lacked fitness to practice professional nursing in that she appeared to be sleeping during shift change report, and was confused and could not remember what days she had worked that week. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. On or about May 17, 2006, while employed as a Registered Nurse with the El Paso Psychiatric Center, El Paso, Texas, Respondent failed to promote a safe environment for patients in that she picked up a urine specimen from the lab refrigerator without gloves. The lid on the specimen container was not secured properly resulting in urine spilling on Respondent's hands. Respondent failed to immediately wash her hands. Respondent's conduct was likely to injure patients who would be exposed to the infectious pathogens contained in the urine spill when Respondent administered nursing care.
11. On or about May 18, 2006, while employed as a Registered Nurse with the El Paso Psychiatric Center, El Paso, Texas, Respondent failed to know, recognize or maintain professional patient/nurse boundaries in that she was observed hugging and kissing two (2) male patients on their cheek. Additionally, after "clocking out", Respondent returned to the patients' rooms to counsel the patients on her own personal time. Respondent's conduct was a violation of patient/nurse boundaries, which may cause confusion between the needs of the patient and those of the nurse.

12. Respondent attributes her behavior in Findings of Fact Numbers Seven (7) through Eleven (11), to a diagnosis of Anxiety Disorder and Depression. Respondent has been prescribed anxiety medication to treat the symptoms of Anxiety Disorder. Additionally, Respondent attributes her behavior to a diagnosis of diabetes which exacerbated her Anxiety Disorder and Depression.
13. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. Charges were filed on December 18, 2008 and First Amended Charges on September 9, 2009.
15. Respondent's conduct described in Finding of Fact Numbers Seven (7) through Eleven (11) resulted Respondent's impairment by mental illness.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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. The evidence received is sufficient to prove violation of Section 301.452(b)(10), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (C), (D), (J) & (O) and 22 TEX. ADMIN. CODE §217.12(1)(A) & (B), (4), (5), (6)(D) & (12).
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 578113, heretofore issued to SANDRA KAY OLSEN, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the

sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 privileges, if any, to practice nursing in the State of Texas.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

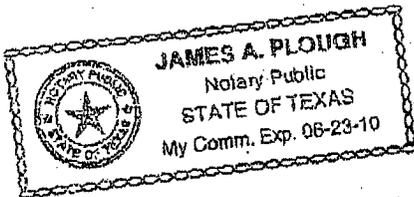
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I do not agree with the Findings of Fact and Conclusions of Law but do agree to the terms and conditions of the Order, specifically including Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 11th day of December, 2009.

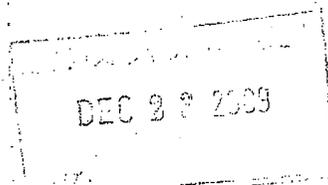
Sandra Kay Olsen
 SANDRA KAY OLSEN, Respondent

Sworn to and subscribed before me this 11th day of December, 2009.

SEAL



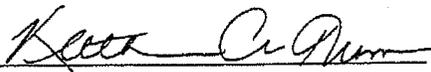
[Signature]
 Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 11th day of December, 2009, by SANDRA KAY OLSEN, Registered Nurse License Number 578113, and said Order is final.



Entered and effective this 14th day of December, 2009.


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

