

6. On or about August 18, 2010, while holding a license as a Registered Nurse (delinquent) in the State of Texas, Respondent received a Final Order, Case No. 10-478, from the Board of Nursing of The State of Oregon wherein Respondent's license to practice professional nursing, 200940743RN, in the State of Oregon was Suspended for a period of six (6) months followed by twenty-four (24) months of Probation. A copy of the August 18, 2010, Final Order, is attached and incorporated, by reference, as part of this Order.
7. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 746862, heretofore issued to SAMANTHA KATHRYN ZOMAR, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in

effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 746862, heretofore issued to SAMANTHA KATHRYN ZOMAR, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

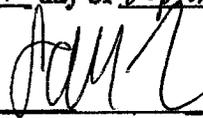
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RESPONDENT'S CERTIFICATION

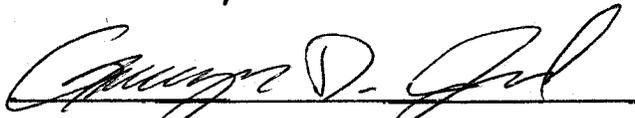
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 24 day of September, 20 10



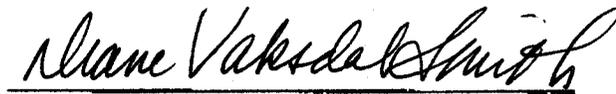
SAMANTHA KATHRYN ZOMAR, Respondent

Sworn to and subscribed before me this 24th day of September, 20 10.



Notary Public in and for the State of Oregon

Approved as to form and substance.



Diane Vaksdal Smith, Attorney for Respondent

Signed this 28th day of Sept., 20 10

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 746862, previously issued to SAMANTHA KATHRYN ZOMAR.



Effective this 6th day of October, 2010.


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



Oregon

Theodore R. Kulongoski, Governor

State Board of Nursing
17938 SW Upper Boones Ferry Road
Portland, Oregon 97224-7012
(971) 673-0685
Fax: (971) 673-0684
Oregon.BN.INFO@state.or.us
www.oregon.gov/OSBN

September 14, 2010

Texas Board of Nursing
Soraya Trammell, Administrative Assistant III
NCSBN/HIPDB Coordinator
333 Guadalupe Suite 3-460
Austin, Texas 78701

Kellie Ward:

In response to your request, I am providing a certified copy of the public disciplinary documents issued to Samantha K Zomar by the Oregon State Board of Nursing.

If you have any questions, please contact me at 971-673-0687.

Sincerely,

Rebecca Nyberg
Investigations & Compliance Assistant
Oregon State Board of Nursing

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	
)	FINAL ORDER
Samantha Kathryn Zomar, RN)	
)	
License No.: 200940743RN)	Case No. 10-478
)	

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Samantha Kathryn Zomar (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on August 18, 2010. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Suspension followed by Probation signed by Licensee on July 15, 2010, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Suspension followed by Probation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

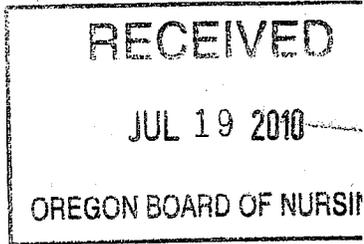
ORDERED that the Stipulation for Suspension followed by Probation signed by Licensee on July 15, 2010, be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Stipulation for Suspension followed by Probation of Samantha Kathryn Zomar's Registered Nurse License and the Stipulation for Suspension followed by Probation be adopted. Suspension will commence on August 24, 2010. Probation will commence at the expiration of the suspension.

DATED this 18 day of August, 2010.



Patricia Markesino, RN
Board President



BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of)
)
Samantha Kathryn Zomar, RN) STIPULATION FOR A
License No.: 200940743RN) 6 MONTH SUSPENSION,
) FOLLOWED BY PROBATION
)
) Case No. 10-478

The Oregon State Board of Nursing, (Board) is the agency responsible for licensing and regulating Registered Nurses in the State of Oregon. Samantha Kathryn Zomar, hereinafter referred to as "Licensee," is a Registered Nurse in the State of Oregon. The Board issued Licensee a Registered Nurse license by endorsement on April 23, 2009.

In April of 2009, Licensee agreed to have her practice as a Registered Nurse monitored by the Board due to a previous diagnosis of chemical dependence.

On April 9, 2010, Licensee came to the attention of the Board when it was reported that Licensee had been terminated from employment after submitting false prescription orders for Vicodin, for her own use.

On April 9, 2010, Licensee obtained a new chemical dependency evaluation and began a new regimen of recommended treatment.

On May 10, 2010, Licensee met with Board staff and acknowledged that she had submitted fraudulent prescription orders to a local pharmacy in order to obtain Vicodin, a Schedule III Controlled Substance, for her own use. Licensee stated that she had become complacent with her efforts in her recovery from chemical dependence. She also reported that she was struggling with depression.

The above conduct is a violation of the provisions of **ORS 678.111 (1) (e) (f) (g); ORS 678.112 (6) and OAR 851-045-0070(5) (c) and (7) (e).**

ORS 678.111 Causes for denial, revocation, or suspension of license or probation, reprimand or censure of license.

(1) Issuance of a license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:

- (e) Use of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.
- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

ORS 678.112 Voluntary treatment for chemical dependency or emotional or physical problem; effect; rules.

(6) Licensees who elect not to participate in the voluntary monitoring program or who fail to comply with the terms of participation shall be reported to the Board for formal disciplinary action under ORS 678.111.

OAR 851-045-0070 Conduct Derogatory to the Standards of Nursing Defined
Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to the following:

- (5) Conduct related to impaired function:
 - (c) Practicing nursing when physical or mental ability to practice is impaired by use of drugs, alcohol or mind-altering substances.
- (7) Conduct related to the licensee's relationship with the Board:
 - (e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

Licensee agrees that the Board would most likely prevail at hearing based on the above conduct and violations, and wishes to cooperate with the Board in resolving this matter.

Therefore the following will be proposed to the Oregon State Board of Nursing and is agreed to by Licensee:

That the Registered Nurse license of Samantha Kathryn Zomar be suspended for six (6) months, followed by a twenty four (24) month period of Probation. The six (6) month suspension will begin five (5) days after the signing of the Final Order by the Board president. The twenty-four (24) month probationary period will commence immediately upon expiration of the six (6) month suspension.

Licensee must comply with the following terms and conditions of probation:

1. She shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereunder.
2. Licensee must practice a minimum of 80 paid hours each month of probation in a setting where she is able to exercise the full extent of scope of duties in order demonstrate whether she is competent.
3. She shall notify the Board, in writing, prior to any change of address or employment setting, during the probation period.
4. She will not look for, accept, or begin a new Registered Nurse position without the approval of the Board. This includes changes of the employer itself or changes within the facility or institution.
5. She shall notify the Board of any citations, arrests, or convictions for any offense, whether felony, misdemeanor, violation, or citation within seven (7) days of the occurrence.
6. She shall present herself, in person, to designated Board staff for interviews on a monthly basis during the probationary period. Frequency of contact may be reviewed and may be revised periodically at the discretion of Board staff. A telephone interview may be substituted for a personal interview at the discretion of Board staff.
7. She shall inform current and prospective employers of the probationary status of her license, the reasons for her probation, and terms and conditions of probation. If there is a Nurse Executive, that person is to be informed of Licensee's probationary status.
8. The Nurse Executive will receive copies of the Stipulation for Probation and Board Order when Licensee is employed.
9. She shall work under the direct supervision of a licensed nurse. She shall be employed in a setting where her nursing supervisor agrees to submit written evaluations of work performance (on forms provided by the Board) at least every three- (3) months during the probationary period. Between regular reporting periods, the Nurse Executive or comparable person, shall inform the Board of any instance of Licensee's non-compliance with the terms and conditions of this Stipulation for Probation, or of any other concern there may be regarding Licensee's work-related conduct or personal behavior that may affect her ability to perform the duties of a Registered Nurse.
10. She shall not be employed by a temporary staffing agency during the probationary period unless that agency can provide written evidence to the Board that Licensee

will not be assigned to multiple facilities.

11. She shall participate in the Board's random urine program. Failure to comply with the random urine program will result in an immediate removal from the performance of Registered Nurse duties. She will obtain a re-evaluation by a Board approved chemical dependence evaluator. The presence of unauthorized substances may be considered a violation of the terms and conditions of this stipulation. She understands that she will be financially responsible for the costs related to this testing.
12. She shall abstain from the use of intoxicating, mind altering, or potentially addictive drugs, both over the counter and prescription drugs and alcohol during the period of probation.
13. She may take medication for a documented medical condition, provided that she obtains such medication only by a legal prescription written by a person authorized by law to write such a prescription. She will notify the Board within 72 hours in the event she is prescribed such medication, and shall authorize the prescribing person to communicate with the Board about her medical condition. She shall produce the medical records pertaining to the medical condition and medication use.
14. She will notify any health care providers of the nature of her chemical dependence diagnosis, to ensure that her health history is complete, before receiving any treatment, including medical and dental treatment. She will provide a copy of this Stipulation to her provider. She further agrees to provide the Board with the names of her health care providers, to sign releases of information with the providers, and produce to the Board documentation of the health care provided (medical records).
15. She shall submit to tests to determine the presence of unauthorized substances, immediately upon request by the Board staff or her employer. The presence of unauthorized substances may be considered a violation of terms and conditions of this stipulation. She shall sign any release of information necessary to insure the Board will receive the results of such testing.
16. She shall cease the performance of duties as a Registered Nurse upon the occurrence of a relapse or at the request of the probation coordinator because of relapse or relapse behavior. Performance of duties may resume when approved by the probation coordinator, in consultation with her employer.
17. She is financially responsible for any costs incurred as a result of compliance with the terms and conditions of the stipulation.
18. She shall cooperate fully with the Board in the supervision and investigation of her compliance with the terms and conditions of this Stipulation.

19. Licensee shall have thirty-six (36) months from Board acceptance of this Stipulation to complete probation.

Licensee understands that in the event she engages in future conduct resulting in violations of law or the Nurse Practice Act, the Board may take further disciplinary action against her license, up to and including revocation of her license as a Registered Nurse.

Licensee understands this stipulation will be submitted to the Board of Nursing at their next available meeting for approval and is subject to the Board's confirmation.

Licensee understands that this Stipulated Agreement is a public record.

Licensee understands that by entering into the stipulated agreement, she waives the right to an administrative hearing and to appeal or otherwise challenge this agreement or a final order issued by the board based upon this stipulated agreement.

Licensee states no promises or representations have been made, nor has any duress or coercion been used to induce her to sign this stipulation.

Dated this 15 day of July, 2010



Samantha Kathryn Zomar, RN

OREGON STATE BOARD OF NURSING



Linda Fisher-Lewis
Program Manager
Investigations Department



David Lilly
Investigator
Investigations Department