BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of Registered Nurse	§	AGREED
License Number 587650	§	
issued to KAREN ELIZABETH SWEATT	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, accepted the voluntary surrender of Registered Nurse License Number 587650, issued to KAREN ELIZABETH SWEATT, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Respondent waived 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 an Associate Degree from WestArk Community College, Fort Smith, Arkansas, on December 1, 1986. Respondent was licensed to practice professional nursing in the State of Texas on January 25, 1993.

5. Respondent's professional nursing employment history includes:

01/93-09/98	Unknown	
10/98-01/03	Staff Nurse	Woodland Springs Nursing Center Waco, Texas

Respondent's professional nursing employment history continued:

02/03-05/04	Staff Nurse	People Nursing Center Dublin, Texas
06/04-12/04	Supervising Nurse	Arlington Villa- Retirement and Nursing Center Arlington, Texas
01/05-02/05	Unknown	
03/05-07/05	Charge Nurse	Forum at Park Lane Dallas, Texas
08/05-02/06	Charge Nurse	Ashley Court at Turtle Creek Dallas, Texas

6. At the time of the initial incident alleged in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Ashley Court at Turtle Creek, Dallas, Texas, and had been in this position for three (3) months.

7. On or about February 20, 2007, the Board provided Respondent with notice of alleged violations of the Nursing Practice Act, as follows:

   On or about November 30, 2005, through February 23, 2006, while employed with Ashley Court at Turtle Creek, Dallas, Texas, Respondent:
   - Misappropriated narcotic medications in the form of Norco in various opiate containing strengths, and other controlled substance "Schedule IV medications" in the form of Ambien and Xanax;
   - Withdrew narcotics and controlled substances in excess of and/or without physician's orders;
   - Falsified physician orders for Norco and controlled substances, and submitted the fictitious prescriptions to the dispensing pharmacy; and
   - Failed to administer and/or document administration of narcotics and controlled substances in patients' medical records.

8. On or about March 9, 2007, the Board provided Respondent with notice of additional alleged violations of the Nurse Practice Act, as follows:

   On or about May 5, 2005, Respondent pled GUILTY to and was CONVICTED of DRIVING WHILE INTOXICATED-2nd (a Class-A Misdemeanor offense committed on January 26, 2005), in the Tarrant County Criminal Court at Law Number 10, Fort Worth, Texas, Cause Number 0964369001. As a result of the conviction, Respondent was sentenced to forty-five (45) days of jail confinement, and ordered to pay a fine of eight hundred dollars ($800.00); and

On or about April 1, 2006, Respondent submitted her RN License Renewal Form to the Board of Nurse Examiners for the State of Texas. On the Renewal, Respondent falsely answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?".

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.

10. 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.

11. 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 violations of Section 301.452(b)(2), (3),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11 (1)(B), (1)(C) & (1)(D) and 217.12 (1)(C), (4), (6)(A), (6)(G), (6)(H), (8), (10)(E), (11)(B) & (13).

4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 587650 heretofore issued to KAREN ELIZABETH SWEATT, including revocation of Respondent's professional license 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 587650, heretofore issued to KAREN ELIZABETH SWEATT, to practice nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to KAREN ELIZABETH SWEATT, to the office of the Board of Nurse Examiners.

2. 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.

3. 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.

4. 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 multistate privilege, 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 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 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 28 day of June, 2007.

Karen Elizabeth Sweatt

KAREN ELIZABETH SWEATT, Respondent

Sworn to and subscribed before me this ~~28~~ 11th day of ~~June~~ July, 2007.

Asha Miles Harrell

Notary Public in and for the State of Texas

SEAL

ASHA T. MILES-HARRELL
My Commission Expires
March 09, 2011

Approved as to form and substance.

Katrina Anderson

Katrina Anderson, Attorney for Respondent

Signed this 16 day of July, 2007.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Registered Nurse License Number 587650, previously issued to KAREN ELIZABETH SWEATT.

Effective this 23 rd day of July, 2007.

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