BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 541820	§	AGREED
issued to SANDRA L. WALKER	§	ORDER

An investigation by the Board produced evidence indicating that SANDRA L. WALKER, hereinafter referred to as Respondent, License Number 541820, may have violated Article 4525(b)(8), Revised Civil Statutes of Texas, as amended.

An informal conference was held on November 30, 1999, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Christopher Malish, Attorney at Law. In attendance were Anne Garrett, RN, Ph.D., Nurse Consultant, Executive Director's Designee; J. Kent Black, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Diane Barnett, RN, Investigator; Donna Carlin, RN, Nurse Consultant; and Noemi Leal, Senior Investigator.

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 notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in Texas.

4. Respondent received an Associate Degree in Nursing from Grayson Community College, Denison, Texas in May 1987. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1987.

5. Respondent's professional employment history includes:

12/87 to 5/88	Cardiac Rehabilitation North Texas Cardiac Rehabilitation Sherman, Texas
11/88 to 12/89	Perdiem Agency Nurse Nursefinders, Inc. Dallas, Texas
12/89 to 5/90	Staff Nurse Methodist Medical Center Dallas, Texas
10/92 to 5/93	Charge Nurse Wilson N. Jones Hospital Sherman, Texas
5/87 to 12/93	Charge Nurse Medical Plaza Hospital Sherman, Texas
1/94 to 6/94	Staff Nurse Travcorps Maiden, MA
6/94 to 3/95	Perdiem Staff Nurse Vencor Hospital Ft. Lauderdale, FL
8/94 to 8/95	Staff Nurse Sunshine Health Center Pompano Beach, FL
8/95 to 8/96	Charge Nurse Vencor Hospital Ft. Lauderdale, FL
11/96 to 1/99	Charge Nurse Smithville Regional Hospital Smithville, TX
1/99 to Present	Staff Nurse Outreach Health Care Bastrop, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Smithville Regional Hospital, Smithville, Texas and had been in this position for fourteen (14) months.

7. Respondent, while employed with Smithville Regional Hospital, Smithville, Texas, on or about November 12, 1997, produced a specimen for a drug screen which resulted positive for Barbiturates and Opiates. Respondent admitted that she ingested Fiorinal #3 after shift change but prior to clocking out, Fiorinal #3 is a medication which contains both a barbiturate and an opiate. Respondent held a valid prescription for this medication at the time. The use of Barbiturates and Opiates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. 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 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove a violation of Article 4525(b)(8), TEX. REV. CIV. STAT. ANN.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 541820, heretofore issued to SANDRA L. WALKER, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX.

ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to Sandra L. Walker, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(3) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT

SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

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

(5) RESPONDENT'S practice of professional nursing will be monitored for one (1) year by a licensed Registered Nurse Consultant proficient in the area of home health nursing approved by the Board. Respondent must provide a list of three (3) RN's for the Board to select; the list should include the name, RN license number, educational experience and work experience of each proposed Registered Nurse Consultant. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the Respondent as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports addressing Respondent's progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances and alcohol. Random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the Respondent's place of employment at any time during the stipulation period and require Respondent to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each

specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional 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 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 16 day of May, 2000.

SANDRA L. WALKER, Respondent

Sworn to and subscribed before me this 16th day of May, 2000.

SEAL

ANGELA CASTILLEJA
Notary Public, State of Texas
My Commission Expires
MAY 13, 2002

Notary Public in and for the State of TX

Approved as to form and substance.

Christopher Malish, Attorney for Respondent

Signed this 16th day of MAY, 2000.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 16th day of May, 2000, by SANDRA L. WALKER, License Number 541820, and said Order is final.

Effective this 13th day of June, 2000.

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