



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 664123 §
issued to SARA JANE MAKIELSKI § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo
considered the matter of SARA JANE MAKIELSKI, Registered Nurse License Number 6641
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived informal
proceedings, notice and hearing, and agreed to the entry of this Order offered on December 20, 2011,
by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived 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 an Associate Degree in Nursing from Southwestern Michigan College, Dowagiac, Michigan, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 1999. Respondent completed a Nurse Anesthetist Program at Texas Wesleyan University, on December 6, 2002. Respondent was recognized as a Nurse Anesthetist by the Texas Board of Nursing on August 12, 2003.
5. Respondent's complete professional nursing employment history includes:

09/1999-01/03 Unknown

Respondent's complete professional nursing employment history includes (continued):

01/03-06/07	CRNA	Capitol Anesthesiology Association Austin, Texas
06/07-10/10	CRNA-Locums Tenens	Scott and White Temple, Texas Westlake Medical Center Austin, Texas Austin Plastic Surgery Center Austin, Texas St. Mark's Medical Center La Grange, Texas Metroplex Health System Killeen, Texas Austin Pain Associates Austin, Texas North Cypress Medical Center Cypress, Texas South Austin Surgery Center Austin, Texas East Texas Medical Center Quitman, Texas Val Verde Medical Center Del Rio, Texas Baptist St. Anthony's Health System Amarillo, Texas Good Shepard Medical Center Marshall, Texas
11/10-06/11	CRNA	North Texas Community Hospital Bridgeport, Texas

Respondent's nursing employment history continued:

7/11 - present

Unknown

6. At the time of the incident as stated in Finding of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Certified Registered Nurse Anesthetist with North Texas Community Hospital, Bridgeport, Texas, and had been in this position for approximately seven (7) months.
7. On or about June 6, 2011, while employed as a Registered Nurse with North Texas Community Hospital, Bridgeport, Texas, Respondent lacked fitness to practice nursing in that she was observed injecting herself with an unknown substance into her arm. After being confronted, Respondent stated the drug was Propofol, but refused to go to the Emergency Department and asked if "they were going to report her to the Board." Additionally, Respondent had slow speech, looked dazed, was swaying and stumbling. 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 June 6, 2011, while employed as a Certified Registered Nurse Anesthetist with North Texas Community Hospital, Bridgeport, Texas, Respondent engaged in the intemperate use of Propofol in that she admitted to injecting herself with the narcotic while on duty. Unlawful possession of Propofol is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propofol 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 patients 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.
9. On or about September 15, 2011, Respondent lacked fitness to practice nursing in that she admitted herself to Passages Rehabilitation Center, Ventura, California, for treatment of chemical dependency, which she completed on October 15, 2011. 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. In Response to Finding of Fact Numbers Seven (7) through Nine (9), Respondent states that once she realized she needed help she stopped working and entered Passages Rehabilitation in Ventura, California, and completed the twenty-eight (28) day program on October 15, 2011. Respondent states once returning home she has been attending three (3) to four (4) Alcoholics Anonymous meetings weekly and is focusing on her recovery and not working at this time.

11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Nine (9)* resulted from Respondent's dependency on chemicals.
14. 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 violations of Section 301.452(b)(9),(10)&(12), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(1)(A) & (B), (4), (5), (10)(A) & (11)(B).
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 664123, heretofore issued to SARA JANE MAKIELSKI, including revocation of Respondent's license(s) 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(s) 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

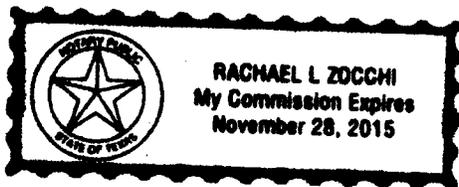
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23RD day of December, 2011.

Sara Jane Makieliski
SARA JANE MAKIELSKI, Respondent

Sworn to and subscribed before me this 23 day of December, 2011.

SEAL



Rachael L. Zocchi
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
Oscar San Miguel, Attorney for Respondent

Signed this 2nd day of January, 2012

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 23rd day of December, 2011, by SARA JANE MAKIELSKI, Registered Nurse License Number 664123, and said Order is final.



Entered and effective this 6th day of January, 2012.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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