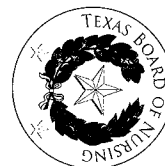


IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 202727
ISSUED TO
SARA ANN FISCUS

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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 A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: SARA ANN FISCUS
1563A CR 368
Trent, Texas 79561

During open meeting held in Austin, Texas, on March 20, 2012, 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 vocational 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 202727, previously issued to SARA ANN FISCUS, to practice vocational 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 vocational nursing in the State of Texas.

Entered this 20th day of March, 2012.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed February 9, 2012.

Re: Permanent Certificate Number 202727
Issued to SARA ANN FISCUS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 2012, 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):

SARA ANN FISCUS
1563A CR 368
Trent, Texas 79561

BY:



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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN
Executive Director

January 23, 2012

Certified Mail No. 91 7108 2133 3939 1452 9570
Return Receipt Requested

Sara Ann Fiscus
1563A CR 368
Trent, Texas 79561

Dear Ms. Fiscus:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Marcia Wilson, RN, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Marcia Wilson, RN, Investigator, Enforcement Division, at the above address, or at (512) 305-6833.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/mw

Enclosure: Formal Charges

09/99-DA

Members of the Board

Kristin Benton, MSN, RN
Austin, President

Deborah Bell, CLU, ChFC Ablene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury	Mary M. LeBeck, MSN, RN Weatherford	Josefina Lujan, PhD, RN El Paso	Beverley Jean Nntall, LVN Bryan	Mary Jane Salgado, MEd San Antonio	Kathleen Shipp, MSN, RN, FNP Lubbock

**In the Matter of Permanent License
Number 202727, Issued to
SARA ANN FISCUS, Respondent**

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§
§

**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SARA ANN FISCUS, is a Vocational Nurse holding license number 202727, which is in delinquent 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 February 24, 2009, Respondent defaulted on her Texas Guaranteed Student Loans, as provided in Section 57.491 of the Texas Education Code. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(7).

CHARGE II.

On or about December 13, 2009, while employed with Windcrest Alzheimer's Center, Abilene, Texas, and assigned to the Magnolia Unit, Respondent documented on the "Narcotic Count Record" that she withdrew two (2) Lortab tablets at 2:00 p.m. and two (2) Lortab tablets at 7:00 p.m. for Resident Medical Record Number 411 and documented that she administered two (2) Lortab at 7:00 p.m. in the patient's Nurses' Notes. Although Respondent did not work on December 15, 2009, she falsely altered the date on the narcotic sheet to indicate that the two (2) Lortab tablets that were withdrawn at 7:00 p.m. were withdrawn by her on December 15, 2009. Respondent's conduct was likely to deceive the facility and other care givers who delivered subsequent care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(A)&(6)(H).

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CHARGE III.

On or about December 14, 2009, through December 15, 2009, while employed with Windcrest Alzheimer's Center, Abilene, Texas, and assigned to the Oak Unit, Respondent failed to apply and/or document the application of an Exelon patch on Resident Medical Record Number 595, as ordered by the physician. Respondent's conduct may have resulted in nonefficacious treatment or may have resulted in an inaccurate, incomplete medical record which subsequent care givers relied upon to provide further treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (b)(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A), (1)(B),(1)(C)&(1)(D).

CHARGE IV.

On or about December 19, 2009, while employed with Windcrest Alzheimer's Center, Abilene, Texas, and assigned to the Magnolia Unit, Respondent administered Hydrocodone/APAP 5/500mg to Resident Medical Record Number 551 in excess of maximum dosage of 4000mg of Tylenol allowable in a twenty-four (24) hour period, as follows:

Physicians' Order	Name of Person Administering Medication	Date	Time	Amt of Tylenol Given
		2009		
Hydrocodone/APAP 5mg/500mg Tab TID by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	0800	500 mg
Hydrocodone/APAP 5mg/500mg Tab 2 Tabs every 4-6 hours As Needed by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	1000	1000 mg
Hydrocodone/APAP 5mg/500mg Tab TID by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	1300	500 mg
Hydrocodone/APAP 5mg/500mg Tab 2 Tabs every 4-6 hours As Needed by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	1400	1000 mg
Hydrocodone/APAP 5mg/500mg Tab TID by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	1800	500 mg
Hydrocodone/APAP 5mg/500mg Tab 2 Tabs every 4-6 hours As Needed by Mouth Not to exceed 4 Grams in a 24 hr period	Signed by Respondent	12/13	1900	1000 mg
500mg of acetaminophen per tablet = 9 x 500 = 4500 - exceeds 4000mg or 4 Grams				

Respondent's conduct could have caused clinical complications relating to excessive acetaminophen intake, including liver damage and possible liver failure.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(C)&(1)(M)§ 217.12(1)(A),(1)(B)&(4).

CHARGE V.

On or about September 9, 2011, Respondent was arrested by the Abilene Police Department, Abilene, Texas, for "Theft of Property >=\$500<\$1500", a Class A Misdemeanor which occurred on June 22, 2011. In an interview with the Abilene police, Respondent admitted that she had pawned a "Snap-On" Drill that had belonged to the victim. She also admitted that she had gotten herself addicted to pain pills and that she had been addicted to the pills for "a couple of years."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9), (10), and (12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(5).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and 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).

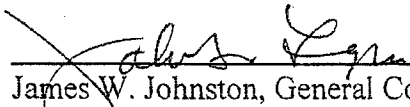
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Lying and Falsification, which 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.

Filed this 20th day of January, 20 12.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena 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

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D/2010.12.28