

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.
Mary Beth Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 138241, §
issued to SYDNEY JO BOOKER § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that SYDNEY JO BOOKER, hereinafter referred to as Respondent, Vocational Nurse License Number 138241, may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code.

An informal conference was held on Tuesday, March 29, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Taralynn R. Mackay, RN, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Christen M. Werley, 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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on August 21, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.

5. Respondent's complete vocational nursing employment history includes:

12/1992-03/05	LVN	Uvalde Memorial Hospital Uvalde, Texas
03/05-06/05	Unknown	
07/05-02/08	LVN	Jamil Bitar, MD Uvalde, Texas
03/08	Unknown	
04/08-08/09	LVN	Medina Regional Hospital Hondo, Texas
08/09-Present	Unknown	

6. At the time of incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Licensed Vocational Nurse with Medina Regional Hospital, Hondo, Texas, and has been in this position for approximately one (1) year and three (3) months.
7. On or about July 28, 2009, while employed as a Licensed Vocational Nurse with Medina Regional Hospital, Hondo, Texas, Respondent lacked fitness to practice nursing in that she showed signs of impaired behavior to include, became confused, attempted to discharge the wrong patient, and did not give AM medications. 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 July 28, 2009, while employed as a Licensed Vocational Nurse with Medina Regional Hospital, Hondo, Texas, Respondent engaged in the intemperate use of Amphetamines and Methamphetamine, in that she submitted a specimen for a drug screen that produced a positive result for Amphetamines (936 ng/mL) and Methamphetamine (18123 ng/mL). Possession of Amphetamines and Methamphetamine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Amphetamines and Methamphetamine by a Licensed Vocational 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.
9. At the time of Finding of Fact Number Ten (10), Respondent was employed as a Licensed Vocational Nurse with Medina Regional Hospital, Hondo, Texas, and has been in this position for approximately one (1) year and four (4) months.

10. On or about August 3, 2009, while employed as a Licensed Vocational Nurse with Medina Regional Hospital, Hondo, Texas, Respondent engaged in the intemperate use of Methamphetamine in that she submitted a specimen for a drug screen that produced a positive result for Methamphetamine (1073 ng/mL). Possession of Methamphetamine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Methamphetamine by a Licensed Vocational 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.
11. Respondent underwent a Forensic Psychological Evaluation with a Chemical Dependency Component on May 10, 2010, by Dr. Matthew L. Ferrara, Ph.D., Clinical and Forensic Psychologist. Dr. Ferrara states that Respondent admits to smoking "pot", using cocaine, "crank", diet pills from Mexico and that after she was released from a psychiatric hospital in 1990 she used alcohol to excess. Additionally, Dr. Ferrara states that throughout the evaluation, Respondent seemed to downplay her past use of drugs and alcohol, never showing awareness of her need to make sweeping changes in this area, and that he believes that Respondent has a substance abuse problem, which she denies. Dr. Ferrara states that Respondent's Personality Assessment Inventory (PAI) results are concerning because she appears to have problems with substance abuse, depression, suicide, and antisocial personality traits. Dr. Ferrara concludes that it appears that Ms. Booker could not conform her behavior to the Nursing Practice Act, Board rules and regulations, and generally accepted standards of nursing practice, therefore, Dr. Ferrara recommends that the Respondent not be considered for licensure as a nurse in the State of Texas and states that should Ms. Booker wish to work as a nurse, she should first undergo substance abuse treatment and following this, participate in a substance abuse aftercare program. Additionally, Dr. Ferrara's opinion is that Ms. Booker should consider participating in an evidence based psychotherapy for depression and anxiety because it is clear that psycho-tropic medication is not helping her with her depression and her feelings of loss of control.
12. Respondent underwent a Forensic Psychological Evaluation with a Chemical Dependency Component on November 16, 2010, and December 28, 2010, by Dr. Alexander Howe, Clinical Psychologist. Dr. Howe states that Respondent can continue to be a productive and responsive licensed vocational nurse for the State of Texas but that she does require active and substantial involvement within a program, as directed by the Texas Board of Nursing, that would assist her in confronting factors within her that have initiated and maintained her use/abuse of non-prescribed or illicit drugs and monitor her adherence to sobriety from inappropriate drug usage. Additionally, Dr. Howe states that Ms. Booker indicates a current point in her life where she can be more affirmative in pursuing those activities that would ensure maintenance of her license as a vocational nurse, thus it is proposed that if she is accepting of the directive recommendations of the Texas Board of Nursing, she will attempt to be responsive to the expectations placed upon her.

13. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Texas Occupations Code, Sections 301.401-301.419.
14. 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.
15. Respondent's conduct described in Finding Numbers Seven (7) through Ten (10) resulted from Respondent's dependency on chemicals.
16. 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-.555, 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 Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(5),(10)(A)&(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code., to take disciplinary action against Vocational Nurse License Number 138241, heretofore issued to SYDNEY JO BOOKER, 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 three hundred fifty dollars (\$350.00) 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, §§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, that the terms of this Agreed 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 nurse licensure compact 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

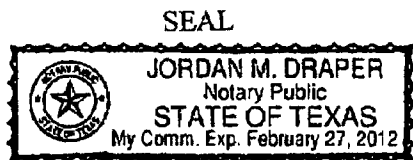
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 25 day of April, 20 11.

Sydney Jo Booker
SYDNEY JO BOOKER, Respondent

Sworn to and subscribed before me this 25 day of April, 20 11.



Jordan M. Draper
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 28th day of April, 20 11.

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 25th day of April, 2011, by SYDNEY JO BOOKER, Vocational Nurse License Number 138241, and said Order is final.

Entered and effective this 2nd day of May, 2011.



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



Texas Board of Nursing

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Katherine A. Thomas, MN, RN
Executive Director

May 2, 2011

Medina Regional Hospital
ATTN: Denise McWilliams, RN,
Director of Clinical Services
3100 Avenue E
Hondo, Texas 78861

RE: SYDNEY JO BOOKER, LVN

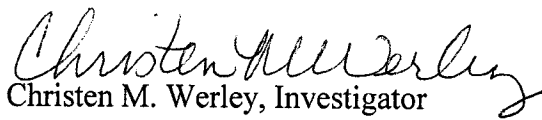
Dear Ms McWilliams:

In an attempt to allow Nurse Booker the opportunity to receive treatment and rehabilitation for substance abuse, the Board took action on May 2, 2011, ordering the nurse to the Texas Peer Assistance Program for Nurses (TPAPN). To obtain additional information regarding the statewide peer assistance program, you may telephone TPAPN at (512) 467-7027, or toll free 1-800-288-5528.

Your assistance and cooperation are greatly appreciated.

If you have any questions, please contact me at (512) 305-6945.

Sincerely,


Christen M. Werley, Investigator
Enforcement Division

cw

0498-L35

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC Abilene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN Cornus Christi	Richard Gibbs, LVN Mesquite	Kathy Leader-Horn, LVN Granbury	Josefina Lujan, PhD, RN El Paso	Beverley Jean Nutall, LVN Bryan	Mary Jane Salgado, MEd Eagle Pass