



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 R. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 193516 §
issued to CASSANDRA RENEE ROGERS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice 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(s).
2. Respondent waived representation by counsel, informal proceedings, 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 Prairie View A&M University, Houston, Texas, on December 8, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on June 1, 2004.
5. Respondent's nursing employment history includes:

06/04 - 02/12	LVN	Accu-Care Home Health Houston, Texas
03/10 - 02/11	LVN	Lifetouch Health Care Houston, Texas

Respondent's nursing employment history continued:

02/14/12 - 02/21/12 LVN Epic Health Services
Houston, Texas

03/12 - Present Not employed in nursing

6. On July 5, 2012, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated July 5, 2012, is attached and incorporated by reference as part of this Order.
7. On or about September 11, 2012, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on July 5, 2012. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN participation agreement, including her inability to comply with the work requirement of sixty-four (64) hours a month and her failure to pay the participation fee, as required by Stipulations Number One (1) and Number Three (3) of the Agreed Order dated July 5, 2012, which read as follows:

(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 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.

(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.

On September 11, 2012, Respondent was dismissed from TPAPN and referred to the Board.

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
9. 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.
10. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 193516, heretofore issued to CASSANDRA RENEE ROGERS, including revocation of Respondent's license(s) 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 Vocational Nurse License Number 193516, heretofore issued to CASSANDRA RENEE ROGERS, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

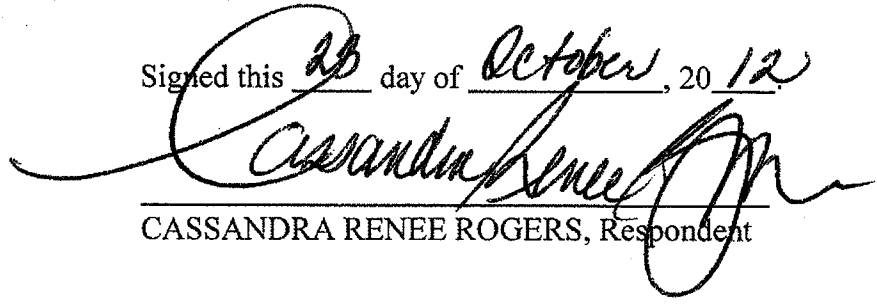
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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 25 day of October, 2012



CASSANDRA RENEE ROGERS, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 193516, previously issued to CASSANDRA RENEE ROGERS.



Effective this 29th day of October, 2012.

Katherine A. Thomas

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



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 Vocational Nurse § AGREED
License Number 193516, issued to §
CASSANDRA RENEE ROGERS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 22, 2012, 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 representation by counsel, informal proceedings, 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 Prairie View A&M University, Houston, Texas, on December 8, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on June 1, 2004.
5. Respondent's nursing employment history includes:

06/04 - 02/12	LVN	Accu-Care Home Health Houston, Texas
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Respondent's nursing employment history continued:

03/10 - 02/11	LVN	Lifetouch Health Care Houston, Texas
02/14/12 - 02/21/12	LVN	Epic Health Services Houston, Texas
03/12 - Present	Not employed in nursing	

6. At the time of the initial incident, Respondent was employed as a LVN with Epic Health Services, Houston, Texas, and had been in this position for three (3) days.
7. On or about February 17, 2012, while employed with Epic Health Services, Houston, Texas, Respondent engaged in the intemperate use of Methadone, in that Respondent submitted a specimen for a drug screen which resulted positive for Methadone. Possession of Methadone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methadone 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.
8. On or about February 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent lacked fitness to practice vocational nursing in that she was assigned to provide nursing care in the home to Patient KO, a pediatric cerebral palsy patient with a tracheostomy, feeding tube and ventilator. At 5:00 a.m., the patient's mother found Respondent in the kitchen removing numerous items from the kitchen cabinets and refrigerator, including food and ketchup. Respondent appeared impaired, crying and talking to herself. The mother then went to the patient's room and found the refrigerator turned over with the supplies lying on the floor. Respondent tried to take a seat cushion from her stating it was her briefcase and the patient's mother called the supervisor. When the supervisor arrived she observed Respondent with dried-up ketchup on her face, shirt and all over her pants, Respondent stood up and almost fell. The supervisor removed Respondent from the home and took her to the laboratory for a drug screen. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her 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 February 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Nordiazepam, in that Respondent submitted a specimen for a drug screen which resulted positive for

Benzodiazepines and Nordiazepam. In addition, Respondent disclosed to her supervisor that she took Lortab and a "benzo" shot at noon on February 20, 2012. Possession of Benzodiazepines and Nordiazepam is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Nordiazepam 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.

10. On or about February 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent failed to provide nursing care and appropriate nursing interventions for Patient KO, a pediatric cerebral palsy patient with a tracheotomy, feeding tube and ventilator. The patient's mother reported that she found Respondent in the kitchen at 5:00 am and Respondent appeared impaired. The patient was found crying, covered in feces, and with a soaked diaper. In addition, Respondent failed to document the nursing care she provided. Respondent's conduct resulted in an incomplete medical record and was likely to deceive subsequent care givers who relied on the information while providing care to the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications as of result of not getting the nursing care as ordered by the physician.
11. On or about February 21, 2012, while employed with Epic Health Services, Houston, Texas, and assigned to provide nursing care to Patient KO, Respondent caused injury to the patient in that after Respondent was removed from her assignment, the patient was assessed and found to have scratches on her chest and left shoulder. Respondent's conduct exposed the patient unnecessarily to a risk of of experiencing physical, emotional and/or psychological harm.
12. 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.
13. 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 and mental illness.
14. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states that in January 2010, they had a home invasion and since then she has been unable to sleep and she went to see a neurologist, Dr. O'Hanion. He examined her and sent her to the hospital to be admitted. She was depressed and was prescribed Effexor, Xanax, Lortab and Lexapro. After a week on the medications she became psychotic. As a result of the home invasion, she experiences panic attacks, does not leave the house after dark, she locks herself behind burglar bars, and does not allow anyone to visit without first calling her. She lost her mother in January 2012, and while cleaning her mom's room, she was feeling depressed and took a handful of medications and prayed to die. She told her psychiatrist, Dr. Spector, about

the suicide attempt and he had her sign a contract. She took a UA and it came back positive for Methadone. She denies use of recreational drugs. She does not recall telling her supervisor that she had a Benzo shot or that she took Lortab.

15. Respondent submitted the results of a Neurological Evaluation dated September 9, 2011, performed by Sevak Ohanian, MD, which states "The patient is a 47-year-old African American female with a history of gastric bypass, hypertension, asthma, gastroesophageal reflux disease and post traumatic stress disorder after a home invasion in January of this year, seen by a psychiatrist, placed on Alprazolam 2mg po q 12 prn with questionable benefit. Over the last several years, she has had insomnia with difficulty initiating and maintaining sleep, placed on Ambien and Lunesta without beneficial effects, after which she began experiencing sleepwalking/talking and acting out dreams during which time she was eating, cooking and paying bills. She has not had any injury during these times. . . She has a recent history of low back pain radiating down the left lower extremity she was placed on Baclofen, during which time she experienced recurrent spells of sudden onset "flashing lights" in her vision followed by loss of consciousness. . . On August 26, 2011, she had a "psychotic breakdown" with symptoms of irritability and screaming irrationally "quoting the Bible" requiring admission to LBJ Hospital for 36 hours, placed on Haldol 1mg PO Q day and Benzatropine 0.5mg po bid with significant improvement in symptoms with complete resolution, currently off medication. Since that time, she has had no further syncopal spells. She had no history of psychiatric issues. Follow-up visit on 9/24/11 - according to her husband, over the last several weeks she has had progressive cognitive decline with decreased appetite, poor oral intake and weight loss. She was advised to be admitted to Memorial City Hospital for further evaluation."
16. Respondent submitted a letter dated February 24, 2012, from Ivan C. Spector, MD, Psychiatry, which states "Ms. Cassandra Rogers was seen in my office today. Ms. Rogers is recently diagnosed with Bipolar Disorder, Type I, most recent episode Depressed with Psychotic Features. She is very depressed and hopeless concerning the future secondary to losing her mother in January. Ms. Rogers did attempt suicide one week ago. She also has issues with sleep walking that have gotten progressively worse recently."
17. Respondent submitted a letter dated March 12, 2012, from Shahnaz Karim, MD, Physical Medicine & Rehabilitation, which states that Cassandra Rogers suffers from back pain. Ms. Rogers has been his patient for pain management for almost one (1) year. She should be qualified for long term disability as a result of her inability to do daily routine activities due to suffering from severe back pain.
18. Respondent's conduct described in Findings of Fact Numbers resulted from Respondent's impairment by dependency on chemicals and mental illness.
19. 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D),(1)(M) &(1)(T) and 217.12(1)(A),(1)(E),(4),(5),(6)(C),(10)(A),(10)(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 193516, heretofore issued to CASSANDRA RENEE ROGERS, 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, 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 waive representation by counsel. 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 11 day of June, 2012

Cassandra Renee Rogers
CASSANDRA RENEE ROGERS, Respondent

Sworn to and subscribed before me this 11 day of June, 2012

SEAL


Danni Goodgine
Notary Public in and for the State of Texas



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 11th day of June, 2012, by CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, and said Order is final.



Entered and effective this 5th day of July, 2012.


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