

IN THE MATTER OF PERMANENT
REGISTERED NURSE LICENSE
NUMBER 725639 ISSUED TO
SARAH JO SPICER

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
William C. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Sarah Jo Spicer
10913 Elkhart
El Paso, TX 79936

During open meeting held in Austin, Texas, on May 14, 2013, the Texas Board of Nursing 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 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(s) to practice 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 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 Registered Nurse License Number 725639, previously issued to SARAH JO SPICER, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 14th day of May, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed December 14, 2012.

Re: Permanent Registered Nurse License Number 725639

Issued to SARAH JO SPICER

DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

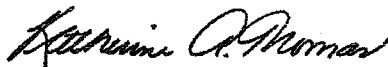
I hereby certify that on the 15th day of May, 2013, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Sarah Jo Spicer
10913 Elkhart
El Paso, TX 79936

Via USPS First Class Mail

Sarah Jo Spicer
6767 SW Chaucer
Lawton, OK 73505



BY:

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

In the Matter of Permanent	§	BEFORE THE TEXAS
Registered Nurse License	§	
Number 725639	§	
Issued to SARAH JO SPICER,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SARAH JO SPICER, is a Registered Nurse holding License Number 725639 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 September 21, 2010, while holding a license as a Registered Nurse in the State of Texas, Respondent defaulted on Respondent's guaranteed student loans, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay her Texas Guaranteed Student Loan may have deprived other applicants of funds for school loans.

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 June 26, 2012, while holding a license as a Registered Nurse in the State of Texas, Respondent received an Immediate Suspension from the Oklahoma Board of Nursing wherein Respondent's license to practice professional nursing in the State of Oklahoma was Suspended for defaulting from the Peer Assistance Program. Subsequently, on or about September 25, 2012, Respondent received a Stipulation, Settlement and Order from the Oklahoma Board of Nursing wherein Respondent's license to practice professional nursing in the State of Oklahoma was accepted for Voluntary Surrender. Copies of the Order of Immediate Suspension issued by the Oklahoma Board of Nursing, dated June 26, 2012 and Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated September 25, 2012, are attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s 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.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

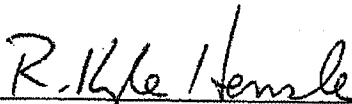
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Immediate Suspension issued by the Oklahoma Board of Nursing, dated June 26, 2012 and Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated September 25, 2012.

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CONTINUED ON NEXT PAGE.

Filed this 14th day of December, 2012.

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
John R. Griffith, Assistant General Counsel
State Bar No. 24079751
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
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of Immediate Suspension issued by the Oklahoma Board of Nursing, dated June 26, 2012
and Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated September
25, 2012.

D/2012.06.19



OKLAHOMA BOARD OF NURSING

2915 CLASSEN BOULEVARD • SUITE 524 • OKLAHOMA CITY, OKLAHOMA 73106-5437 • (405) 962-1800

www.ok.gov/nursing • Fax (405) 962-1821

CERTIFIED/RESTRICTED

7011 1150 0000 0800 1074

June 26, 2012

Sarah Spicer
6767 SW Chaucer
Lawton, Oklahoma 73505

Dear Ms. Spicer:

Pursuant to the Oklahoma Nursing Practice Act [59 O.S. §567.17.I], your license has been suspended, effective immediately, pending your appearance before the Oklahoma Board of Nursing to address your default from the Peer Assistance Program.

You may not work or offer to work as a licensed nurse in Oklahoma. You are to return your pocket license card to this office in the enclosed envelope no later than ten (10) days after receipt of this Order.

If you have questions concerning this information, please contact this office.

FOR THE BOARD OF NURSING,

Kim Glazier, M. Ed., R.N.
Executive Director

cc: Peer Assistance Program

KG:tj

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF SARAH JO CIARAMITARO SPICER, r.n.
LICENSE NO. R0103205 (SUSPENDED)

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 11th day of September, 2012, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Debra Hensley, R.N., a Nurse Investigator with the Board, appears in person, and Sarah Jo Ciaramitaro Spicer, r.n., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and a Nurse Investigator participated in a telephonic conference on July 3, 2012, and subsequently consented to this Stipulation, Settlement and Order ("Order").

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0103205 issued by the Oklahoma Board of Nursing. Respondent's registered nursing license is currently suspended.

2. On or about October 3, and 4, 2011, the Respondent, while working the night shift at Comanche Memorial Hospital in Lawton, Oklahoma ("Comanche Memorial Hospital"), was observed being sleepy and nodding off while talking. The Respondent subsequently admitted

working under the influence of prescribed Oxycontin during the Respondent's shift. The Respondent was terminated from Comanche Memorial Hospital on October 6, 2011.

3. On or about December 15, 2011, the Respondent voluntarily entered the Peer Assistance Program after admitting to working under the influence of prescribed Oxycontin, as shown on the Oklahoma Board of Nursing Peer Assistance Program Application and Peer Assistance Program Applicant History Data.

4. On or about June 21, 2012, the Respondent was terminated from the Peer Assistance Program for failure to comply with the terms and conditions of her Contract with the Peer Assistance Committee, as described in the Peer Assistance Program Summary of Participation, Contract and Amended Contracts.

5. Respondent has voluntarily surrendered the license to practice nursing in the State of Oklahoma held by the Respondent.

6. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

7. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be

accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

9. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

10. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

11. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the voluntary surrender of Respondent's license should be accepted upon the following terms and conditions.

1. Any Application to Reinstate any nursing license shall not be considered for the period of two (2) years.

2. Any Application to Reinstate any nursing license shall not be considered until Respondent furnishes proof of compliance with this Board's Guidelines for Individuals Requesting Reinstatement After Suspension, Surrender or Revocation for Misappropriation or Misuse of

Drugs/Alcohol, a copy of which is attached hereto and made a part hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

3. Prior to reinstatement, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of **\$1,000.00**. The administrative penalty shall be paid only by certified check, money order or cash.

4. Upon Reinstatement, Respondent's license will be immediately placed in temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within **sixty (60) days of reinstatement**.

5. Respondent's pocket license card shall be marked "Peer."

6. If Respondent is not accepted into the Peer Assistance Program within **sixty (60) days of reinstatement**, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby revoked for a period of **five (5) years**.

7. In the event the Certified Mail delivery of Respondent's Order is unsuccessful, a process server will be hired to obtain service of the Order. If it is thus necessary to serve the Respondent by a process server, the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service within **sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board. Failure to timely pay the actual cost of the process service will result in a **three (3) month suspension of license**. A suspension of license

will result in termination from the Peer Assistance Program for failure to maintain an active license.

The revocation will be for the period described in paragraph six (6) herein.

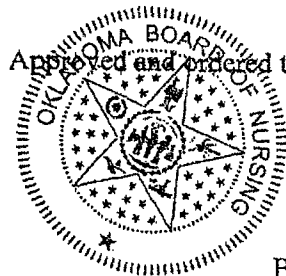
IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this Order shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

SS Price
Respondent



Approved and ordered this 25th day of September, 2012.

OKLAHOMA BOARD OF NURSING

By:

L. Michael
President

DH:tj