

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 250053
ISSUED TO
CHERYL ANN SWEET

§
§
§
§
§

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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Cheryl Ann Sweet
605 E. Reuss Blvd
Cuero, Texas 77954

During open meeting held in Austin, Texas, on Tuesday, August 6, 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 250053, previously issued to CHERYL ANN SWEET, 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 6th day of August, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed May 20, 2013.

Re: Permanent Registered Nurse License Number 250053
Issued to CHERYL ANN SWEET
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 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

Cheryl Ann Sweet
605 E. Reuss Blvd
Cuero, Texas 77954

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 250053	§	
Issued to CHERYL ANN SWEET,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHERYL ANN SWEET, is a Registered Nurse holding License Number 250053, which is in current 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 May 3, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent lacked fitness to practice nursing in that she informed staff she was tired because she did not sleep the night before due to a headache. Subsequently, she was observed having slurred speech and falling at the nurses' station. Respondent's conduct was likely to injure the patients in that her condition could have affected her ability to recognize the signs, symptoms, or changes in patients' conditions and could have prevented her from being able to make rational, accurate, and appropriate assessments, judgments, and decisions regarding care of her patients.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4)&(5).

CHARGE II.

On or about August 8, 2012, through August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent withdrew medications from the Medication Dispensing System (Pyxis) for patients GAE, OGP and SHG, but failed to accurately and/or completely document the administration in the patient's medication administration records (MARs), as follows:

Date	Patient	Physician's Order	Medication Dispensing System (Pyxis) Time and Quantity	MAR	Wastage
08-08-12	GAE	None *Morphine Sulfate 4mg IVP q4hrs prn written on 8-8-12 at 1100	Morphine 10mg 0806 1 Syringe	Documented not given at 0806	Wasted 6mg

08-08-12	GAE	None See * above	Morphine 10mg 1027 1 Syringe	Documented not given at 1027	Wasted 6mg
08-08-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 1313 1 Syringe	Documented not given at 1313	Wasted 6mg
08-09-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 0701 1 Syringe	Documented not given at 0701	Wasted 6mg
08-09-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 1130 1 Syringe	Documented not given at 1130	Wasted 6mg
08-09-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 1526 1 Syringe	10mg IV at 1526	Wasted 6mg
08-09-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 1756 1 Syringe	10mg IV at 1756	Wasted 6mg
08-10-12	GAE	Morphine Sulfate 4mg IVP q4hrs prn	Morphine 10mg 1107 1 Syringe	Not Documented	Wasted 6mg
08-24-12	OG	Hydromorphone 3mg IV q4h prn	Hydromorphone 4mg/1ml 0740 1 Syringe	Not Documented	None Documented
08-24-12	SHG	Phytonadione 10mg po qd	Phytonadione 5mg 0940 2 Tablets	Not Documented	None Documented
08-24-12	SHG	Propranolol HCL 10mg po tid	Propranolol HCL 20mg 0941 1 Tablet	Not Documented	None Documented
08-24-12	SHG	Rifaximin 550mg po bid	Rifaximin 550mg 0941 1 Tablet	Not Documented	None Documented
08-24-12	OG	Hydromorphone 3mg IV q4h prn	Hydromorphone 4mg/1ml 1119 1 Syringe	Not Documented	None Documented
08-24-12	OG	Pantoprazole 4mg IV qd	Pantoprazole Sodium 40mg 1119 1 Vial	Not Documented	None Documented
08-24-12	OG	Ondansetron 4mg q6h prn	Ondansetron 4mg/2ml 1120 1 Vial	Not Documented	None Documented
08-24-12	OG	Simvastatin 40mg po	Simvastatin 40mg 1123 1 Tablet	Not Documented	None Documented
08-24-12	OG	Ketorolac 15mg IV q6h prn	Ketorolac Tromethamine 15mg/1ml 1123 1 Syringe	Not Documented	None Documented
08-24-12	OG	Ondansetron 4mg q6h prn	Ondansetron 4mg/2ml 1130 1 Vial	Not Documented	None Documented

Respondent's conduct was likely to injure the patients in that subsequent care givers would not have accurate documentation on which to base their decisions to administer further care.

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)(D) and 217.12(1)(A),(1)(C)&(4).

CHARGE III.

On or about August 8, 2012, through August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent withdrew medications from the Medication Dispensing System (Pyxis) for patients GAE, OGP and SHG, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as outlined in Formal Charge II (chart). Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

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(10)(C)&(11)(B).

CHARGE IV.

On or about August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent failed to implement orders to administer Phytonadione, Rifaximin, Potassium CHL, Xifaxan, Protonix, Mephyton, Inderal and Zinc Gluconate for Patient SHG, and failed to implement an order to administer Diovan HCT to Patient OG, as ordered by a physician. Respondent's conduct was likely to injure the patients in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.

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)(C)&(3)(iv) and 22 TEX. ADMIN. CODE 217.12(1)(A)&(4).

CHARGE V.

On or about August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent failed to properly assess and/or document assessments for patients SHG and OG. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

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)(B),(1)(C),(1)(D)&(3)(i) and 217.12(1)(A),(1)(C)&(4).

CHARGE VI.

On or about August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but was not limited to: slurred speech, slow physical movements, difficulty maintaining focus, shaking, soiling herself, and knocking over objects while she attempted to provide interventions. Respondent's conduct was likely to injure the patients in that her condition could have affected her ability to recognize the signs, symptoms, or changes in patients' conditions and could have prevented her from being able to make rational, accurate, and appropriate assessments, judgments, and decisions regarding care of her patients.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(4)&(5).

CHARGE VII.

On or about August 24, 2012, while employed with Christus Spohn Hospital Kleberg, Kingsville, Texas, and assigned to the Intensive Care Unit, Respondent engaged in the intemperate use of Marijuana, Cocaine and Lorazepam in that she produced a specimen for a for cause drug screen, which resulted positive for Marijuana, Cocaine and Lorazepam. Unlawful possession of Marijuana, Cocaine and Lorazepam is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Marijuana, Cocaine and Lorazepam 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 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(4),(5),(10)(A),(10)(D)&(11)(B).

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.

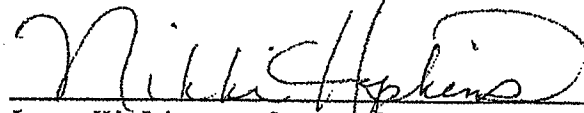
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

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 is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated January 24, 1990.

Filed this 20th day of May, 2013.

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 the Board dated January 24, 1990.

D/2012.06.19



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. Johnson
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate §
Number 2-50053 issued to §
CHERYL ANN CAUSEY §

ORDER OF THE BOARD

To: Cheryl Ann Causey
200 Robbie Lane, #401
San Marcos, Texas 78666

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting on January 24, 1990, heard the application for reinstatement of license number 2-50053, heretofore issued to CHERYL ANN CAUSEY, according to Article 4525c, Revised Civil Statutes of Texas, as amended.

At the meeting, Dr. Eileen Pinetz, R.N., President of the Board, presided and the following members were present:

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|-----------------------------|------------------------------|
| Mrs. Pauline Barnes, R.N. | Mrs. Patsy C. Ross, R.N. |
| Dr. Lynn C. Sesselmaier | Mrs. A. Joanna Seamans, R.N. |
| Mrs. Sara J. Teale, R.N. | Mrs. Patsy Sharpe |
| Dr. Teddy L. Langford, R.N. | |

The applicant was present at the meeting, but was not represented by counsel. Testimony and other evidence was received by the Board, and as a result thereof, the Board makes the following decision:

ORDER

NOW THEREFORE, IT IS ORDERED that license number 2-50053, heretofore issued to CHERYL ANN CAUSEY to practice professional nursing in the State of Texas be and the same is hereby reinstated upon payment of re-registration fees and compliance with the following stipulations for a minimum period of one (1) year:

(1) That CHERYL ANN CAUSEY shall successfully complete a refresher course in nursing that includes the professional nurse's responsibility regarding charting and proper documentation of the administration of medications. The license to practice professional nursing belonging to CHERYL ANN CAUSEY will be reissued upon the receipt of written notification of her admittance into said course. Upon successful completion of the refresher course by CHERYL ANN CAUSEY, the Board of Nurse Examiners shall be notified, in writing, by the offering institution.

(2) Respondent shall notify each employer/potential employer in professional nursing of this Order of the Board and the stipulation/probation conditions on her license by presenting a copy of this Order to each potential employer. When employment is obtained, Respondent must cause the employer to submit the notification of employment form to the Board office.

(3) That during her employment as a professional nurse, each employer of CHERYL ANN CAUSEY submit on forms provided by the Board of Nurse Examiners, periodic reports as to her capability to practice professional nursing, such reports are due at the office of the Board of Nurse Examiners at

the end of each three months for a minimum period of one (1) year of employment as a registered nurse following receipt of this Order. If the place of employment changes, the Board of Nurse Examiners is to be notified immediately.

(4) The terms of this Order can be served only while Respondent is employed in the capacity of a registered nurse in a hospital, nursing home, or like employment, where the nurse is supervised and works only on regularly assigned, identified and predetermined unit(s). The nurse may not be employed by a nurse registry, temporary nurse employment agency or home health agency. Respondent may not be self employed and multiple employers are prohibited.

(5) The Board of Nurse Examiners shall review reports regarding the practice of professional nursing by Respondent at the end of the stipulation/probation period. It is understood that after the review, the Board may restore all rights and privileges incident to the license of Respondent, but may also after notice and opportunity for hearing extend or modify the terms of stipulations/probation, if extension or modification is warranted by evidence presented to the Board.

6) That, CHERYL ANN CAUSEY shall comply in all respects with the Revised Civil Statutes of Texas, Article 4512 through 4528, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice of the Board of Nurse Examiners and the provisions of the terms of this Order of the Board.

Entered this 24th day of January, 1990

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY


Louise Madditt, R.N., Ph.D.
Executive Secretary on
behalf of said Board



**BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

Meeting Address
BOX 140468
AUSTIN, TEXAS 78714

9101 BURNET ROAD, SUITE 104
AUSTIN, TEXAS 78751 • AC 512/835-4000

LOUISE WADDELL, M.D., R.N.
EXECUTIVE DIRECTOR

April 1, 1992

Cheryl A. Causey
Post Office Box 1182
Wimberly, Texas 79676

Dear Ms. Causey:

This is to acknowledge receipt of your Nursing Performance Evaluation.

The stipulations on your license have been completed. You are no longer required to submit reports to this office. Your file now reflects that the Order of the Board has been met.

Please return your current license with a copy of this letter. We will then issue you a license without the stipulated designation at no charge.

Should you have any questions, do not hesitate to contact me at (512)835-8673.

Sincerely,

Greg Caldwell
Investigator

GC/cs

MEMBERS OF THE BOARD

LYNN G. BENDERMAN, M.D.
AUSTIN, TEXAS

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J. PATRICK HARRISON, M.D., R.N.
HOUSTON, TEXAS