



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 § AGREED
Registered Nurse License Number 505220 §
issued to SARAH H. SOUTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARAH H. SOUTER, Registered Nurse License Number 505220, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 13, 2013, subject to ratification by the Board.

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 professional nursing in the State of Texas.
- 4. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas on December 17, 1982. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983.
- 5. Respondent's professional nursing employment history includes:

03/1983 - 01/1990	RN	San Antonio Community Hospital San Antonio, Texas
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Respondent's professional nursing employment history continued:

02/1990 - 06/1997	RN	Humana Hospital San Antonio San Antonio, Texas
02/1997 - 01/2000	RN	Northeast Methodist Hospital San Antonio, Texas
01/2000 - 11/2008	RN	Metropolitan Methodist Hospital San Antonio, Texas
11/2008 - 02/2009	Unknown	
02/2009 - 03/2009	RN	Northeast Baptist Hospital San Antonio, Texas
04/2009 - Present	RN	Texas Department of Aging and Disability San Antonio, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Metropolitan Methodist Hospital, and had been in this position for approximately eight (8) years and ten (10) months.
7. On or about October 27, 2008, while employed as a Registered Nurse by Metropolitan Methodist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of alcohol in that she provided a specimen for a for cause drug screen which tested positive for alcohol. The use of alcohol 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.
8. On or about February 28, 2009, while employed as a Registered Nurse with Baptist Health System - Northeast Baptist Hospital, San Antonio, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed having slurred speech and appearing confused and disoriented when she arrived to work. 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.

9. On or about February 28, 2009, while employed as a Registered Nurse with Baptist Health System - Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of alcohol in that she provided a specimen for a for cause alcohol breath test which tested positive for alcohol. The use of alcohol 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.
10. On or about March 23, 2009, Respondent plead nolo contendere to "Driving While Intoxicated," a Class B Misdemeanor (committed on October 17, 2008), in the Victoria County Court at Law #1, Victoria, Texas, under Cause Number 1-93647. Respondent was sentenced to confinement for a period of one hundred twenty (120) days in the Victoria County Jail. The imposition of the confinement was suspended, and Respondent was placed on community supervision for a period of one (1) year.
11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent denies the allegations, except the Class B misdemeanor. Respondent admits that she was charged but explains that she pled nolo contendere at the request of her attorney, in exchange for a suspended prosecution.
12. 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.
13. Formal Charges were filed on May 13, 2013.
14. Formal Charges were mailed to Respondent on May 16, 2013.

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(5),(10)(A)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 505220, heretofore issued to SARAH H. SOUTER, including revocation of Respondent's

license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and 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 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 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 that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for

re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license.

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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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 19 day of December, 2013.

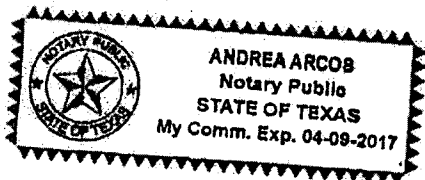
Sarah H. Souter
SARAH H. SOUTER, Respondent

Sworn to and subscribed before me this 19 day of December, 2013.

SEAL

Andrea Arcos

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of December, 2013, by SARAH H. SOUTER, Registered Nurse License Number 505220, and said Order is final.

Effective this 23rd day of January, 2014.



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