

IN THE MATTER OF  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 715558

ISSUED TO  
JEAN L SIERRA

§  
§  
§  
§  
§  
§

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: JEAN L SIERRA  
8034 MAVERICK CLIMB  
SAN ANTONIO, TX 78250

During open meeting held in Austin, Texas, on **August 19, 2014**, 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 715558, previously issued to JEAN L SIERRA, 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 19th day of August, 2014.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed June 19, 2014.

Re: Permanent Registered Nurse License Number 715558  
Issued to JEAN L SIERRA  
DEFAULT ORDER - REVOKE


CERTIFICATE OF SERVICE

I hereby certify that on the 26 day of August, 2014, 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

JEAN L SIERRA  
8034 MAVERICK CLIMB  
SAN ANTONIO, TX 78250

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 715558	§	
Issued to JEAN L SIERRA,	§	
Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JEAN L SIERRA, is a Registered Nurse holding License Number 715558, 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 May 8, 2013, Respondent failed to comply with the Agreed Order issued to her on May 7, 2012, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the May 7, 2012, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(11)(B).

#### CHARGE II.

On or about May 8, 2013, Respondent failed to comply with the Agreed Order issued to her on May 7, 2012, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing documentation....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(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).

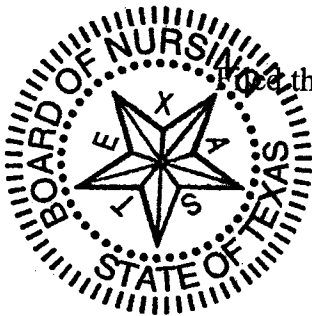
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

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**CONTINUED ON NEXT PAGE.**

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: Agreed Order dated May 7, 2012.



For this

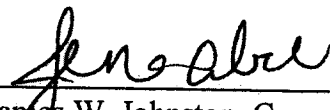
19th

day of

June

20 14.

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  
John R. Griffith, Assistant General Counsel  
State Bar No. 24079751  
Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847  
John F. Legris, Assistant General Counsel  
State Bar No. 00785533  
John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated May 7, 2012.

D/2013.11.19



BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Registered Nurse	§	AGREED
License Number 715558	§	
issued to JEAN L. SIERRA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEAN L. SIERRA, Registered Nurse License Number 715558, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 4, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, 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 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 Western New Mexico University, Silver City, New Mexico on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on May 24, 2005.
5. Respondent's complete professional nursing employment history is unknown.

6. At the time of the incidents described in Findings of Fact Numbers Eight (8) through Eleven (11), Respondent was employed as a Registered Nurse with Acuity Hospital of South Texas, San Antonio, Texas and had been in this position for approximately four (4) years.
7. At the time of the incidents described in Findings of Fact Numbers Twelve (12) through Thirteen (13), Respondent was employed as a Registered Nurse with U.S. Got People, San Antonio, Texas and on assignment with Promise Hospital of San Antonio, San Antonio, and had been in this position for approximately two (2) months.
8. On or about February 13, 2009, while employed as a Registered Nurse with Acuity Hospital of South Texas, San Antonio, Texas, Respondent left her nursing assignment without proper notification to Respondent's supervisor and was observed leaving the Hospital grounds in a taxi. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in the patients not getting the care that they needed.
9. On or about February 21, 2009 through February 22, 2009, while employed as a Registered Nurse with Acuity Hospital of South Texas, San Antonio, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for patient MR Number 83906 who was not under Respondent's care and failed to document, or accurately document the administration, including signs, symptoms and responses to the medications in the patients' Medication Administration Records and/or nurse's notes as follows:

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
02/21/2009	MR#83906	Dilaudid 2mg PRN every 4 hrs	Removed Dilaudid 2mg @ 5:16am	Not Documented	Documented as Dilaudid pulled-PT refused @ 1900-2000 hrs	None recorded in Pyxis
	"	"	Removed Dilaudid 2mg @ 7:47pm	Not Documented	Documented Dilaudid wasted from beg of shift-witnessed by "Sammy" - 2100-2200 hrs	None recorded in Pyxis
	"	"	Removed Dilaudid 2mg @ 9:27pm	Not Documented	Documented 2mg Dilaudid @ 2300	None
02/22/2009	"	"	Removed Dilaudid 2mg @ 1:55am	Not Documented	Documented 2mg Dilaudid @ 0230 Documented 2mg Dilaudid @ 0545	None
	"	"	Removed Dilaudid 2mg @ 5:13am	Not Documented	None	None

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

10. On or about April 5, 2009, while employed as a Registered Nurse with Acuity Hospital of South Texas, San Antonio, Texas, Respondent lacked fitness to practice professional nursing, in that she was observed with heavy eyes, appeared to be sleepy and in a trance-like state, with slow body movements and cognitive and physical impairment. 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.



11. On or about April 6, 2009, while employed as a Registered Nurse with Acuity Hospital of South Texas, San Antonio, Texas, Respondent engaged in the intemperate use of Benzodiazepine, in that she produced a urine drug screen which resulted positive for Benzodiazepine. The use of Benzodiazepine 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.
12. On or about April 18, 2010 through April 19, 2010, while employed as a Registered Nurse with U.S. Got People, San Antonio, Texas and on assignment with Promise Hospital of San Antonio, San Antonio, Texas, Respondent removed Ativan and Dilaudid from the medication dispensing system for patients that were not assigned to her and failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes as follows:

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
04/18/2010	SA00001484	Dilaudid 1mg AMP IV 6 hrs	Removed 2mg Dilaudid @ 20:11:41	Documented "PT agitated" will take later- indicate wastage no amount noted	None	Documented wastage of 1mg in Pyxis.
"	"	"	Removed 2mg Dilaudid @ 20:30:39	Documented as given @ 1840.	None	Documented wastage of 1mg in Pyxis.
"	"	"	Removed 2mg Dilaudid @ 20:31:23	Documented as given @ 1910.	None	None
04/18/2010	SA00001487	Demerol 25mg IV Q 6 hrs.	Removed 25mg Demerol @ 07:34:07	Documented as given @ 0740.	None	None
"	"	"	Removed 25mg Demerol @ 11:03:12	Not Documented	None	Documented in Pyxis as returned @ 11:55:15
"	"	"	Removed 25mg Demerol @ 12:41:58	Not Documented	None	Documented in Pyxis as wasted @ 12:59:59
"	"	"	Removed 25mg Demerol @ 13:37:13	Documented as given @ 1340.	None	None
"	"	"	Removed 25mg Demerol @ 14:49:10	Not Documented	None	Documented in Pyxis as returned @ 15:09:11
"	"	"	Removed 25mg Demerol @ 17:35:10	Documented as given @ 1840.	None	None
04/19/2010	"	"	Removed 25mg Demerol @ 07:25:41	Not Documented	None	Documented in Pyxis as wasted @ 08:28:16
"	"	"	Removed 25mg Demerol @ 08:53:43	Documented as given @ 1900	None	None

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
"	"	Demerol discontinued per Physician. Add Dilaudid 1mg IV Q 4 hrs PRN	Removed 2mg AMP Dilaudid @ 09:52:49	Documented as given @ 1000	None	Documented in Pyxis as wasted 1mg Dilaudid
"	"	"	Removed 2mg AMP Dilaudid @ 13:48:32	Documented as given @ 1350	None	Documented in Pyxis as wasted 1mg Dilaudid
"	"	"	Removed 2mg AMP Dilaudid @ 13:48:35	Documented as given @ 1416	None	None
"	"	"	Removed 2mg AMP Dilaudid @ 16:27:49	Documented as PT refused @ 1700	None	Documented in Pyxis as wasted 2mg Dilaudid
"	"	"	Removed 2mg AMP Dilaudid @ 18:42:44	Documented as given @ 1800	None	Documented in Pyxis as wasted 1mg Dilaudid
"	"	"	Removed 2mg AMP Dilaudid @ 18:43:39	Not Documented	None	None

Respondent's conduct above was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

13. On or about April 18, 2010 through April 19, 2010, while employed as a Registered Nurse with U.S. Got People, San Antonio, Texas and on assignment with Promise Hospital of San Antonio, San Antonio, Texas, Respondent removed Dilaudid and Demerol from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications as follows:

DATE	PATIENT	PHYSICIAN'S ORDERS	PYXIS RECORDS	MEDICATION ADMINISTRATION RECORDS	NURSES' NOTES	WASTAGE
04/18/2010	SA00001484	Dilaudid 1mg AMP IV 6 hrs	Removed 2mg Dilaudid @ 20:11:41	Documented "PT agitated" will take later-indicate wastage no amount noted	None	Documented wastage of 1mg in Pyxis.
"	"	"	Removed 2mg Dilaudid @ 20:31:23	Documented as given @ 1910.	None	None
04/19/2010	SA00001487	Demerol discontinued per Physician. Add Dilaudid 1mg IV Q 4 hrs PRN	Removed 2mg AMP Dilaudid @ 13:48:35	Documented as given @ 1416	None	None
"	"	"	Removed 2mg AMP Dilaudid @ 18:43:39	Not Documented	None	None

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).

14. In response to Findings of Fact Numbers Eight (8) through Thirteen (13), Respondent denies misappropriation of medications. Respondent further states that prior to the time frame of these incidents, Respondent had completed treatment for cancer which resulted in side effects

including back and joint pain, which necessitated treatment by a pain management specialist and use of prescribed pain medications which, combined with loss of sleep due to a new born, may have affected her ability to concentrate and perform her duties properly for a short period of time.

15. On November 22, 2010, Respondent presented to Dr. Matthew Ferrara for a Chemical Dependency Evaluation. On November 28, 2010, Dr. Ferrara made the following diagnoses available to the Texas Board of Nursing:
  - Regarding Respondents Reliability of Responses:  
The reliability of Ms. Sierra's responses during this assessment process was evaluated by three objective measures of deception. All three measures yielded the same results: Ms. Sierra was deceptive when responding to questions during this assessment process.
  - Regarding the Current Board Investigation:  
Ms. Sierra denied any form of wrongdoing regarding all of the misconduct alleged by the Board. Given the results of the objective measures of deception, it would be unwise to base any decision or actions on Ms. Sierra's denial of the allegations.
  - Regarding Dr. Ferrara's Recommendation:  
Because Ms. Sierra provided unreliable responses throughout the assessment process, it appears that there is not enough reliable information on which to recommend that she be licensed. At this time, this examiner cannot recommend that Ms. Sierra be licensed to practice as a nurse.
16. 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.
17. Charges were filed on June 24, 2011.
18. Charges were mailed to Respondent on June 28, 2011.

#### 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 violations of Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(C),(4),(5),(10)(A),(B),(C)&(D).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 715558, heretofore issued to JEAN L. SIERRA, 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 Registered Nurse License Number 715558, previously issued to JEAN L. SIERRA, to practice professional nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 the 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.

(1) 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.

(2) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods

and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the

probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice

setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period,



random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to 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.

(11) RESPONDENT SHALL, within forty-five (45) days of entry of this Order, undergo a pain management evaluation that meets the requirements specified by the Board in its adopted Guidelines for Physical and Psychological Evaluations, which may be found at the following link: <http://www.bon.state.tx.us/disciplinaryaction/pdfs/eval-guidelines.pdf>. RESPONDENT SHALL CAUSE the performing evaluator to send a report of the evaluation to the Board office. If the evaluation states that Respondent lacks fitness to practice nursing, RESPONDENT SHALL cease to provide direct patient care until such time that the same evaluator deems Respondent safe to return to direct patient care. 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. If the results of the evaluation reveal further violations of the Nursing Practice Act, further disciplinary action may be taken, including revocation of Respondent's license to practice nursing in the State of Texas.

RESPONDENT SHALL comply with the recommendations for pain management and/or other follow-ups. If pain management therapy is recommended, RESPONDENT SHALL participate in pain management therapy with a Board approved Medical Doctor or Doctor of Osteopathy, licensed by the Texas Medical Board, and certified as a Diplomat with the American Board of Pain Medicine. RESPONDENT SHALL CAUSE the physician to submit written reports to the Board, which shall include, at a minimum, the clinical indications and rationale for the chronic use of controlled substances, RESPONDENT'S progress and compliance with pain management therapy, and a prognosis as to RESPONDENT'S ability to safely practice nursing in a direct patient care setting. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT no longer requires

the use of addictive, mood-altering, and/or controlled substances.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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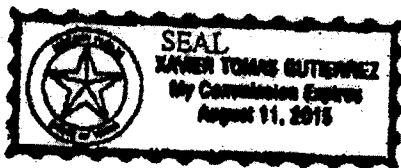
RESPONDENT'S CERTIFICATION

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. 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 5 day of April, 2012.

JEAN L. SIERRA  
JEAN L. SIERRA, Respondent

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 2012.



Karen L. Gutierrez  
Notary Public in and for the State of Texas

Approved as to form and substance.

Oscar San Miguel  
Oscar San Miguel, Attorney for Respondent

Signed this 5<sup>th</sup> day of April, 2012

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5<sup>th</sup> day of April, 2012, by JEAN L. SIERRA, Registered Nurse License Number 715558, and said Order is final.

Effective this 7<sup>th</sup> day of May, 2012.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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