

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 697800 §
issued to SARA DIANE ABBATE § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARA DIANE ABBATE, Registered Nurse License Number 697800, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Blinn College, Bryan, Texas, on May 8, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.
5. Respondent's professional nursing employment history is unknown.
6. On or about November 11, 2013, Respondent submitted a Timely License Renewal Form to the Texas Board of Nursing, in which she answered "yes" to the following question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)"

Respondent disclosed that, on or about November 4, 2013, Respondent started an outpatient treatment program at La Hacienda and that her sobriety date is October 21, 2013.

7. On or about May 23, 2014, Respondent entered a plea of Guilty to BURGLARY OF A HABITATION, a 2nd Degree Felony offence committed on September 28, 2013, in the 85th District Court of Brazos County, Texas, under Cause No. 14-00915-CRF-85. As a result of plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of ten (10) years and ordered to pay a fine and court costs.
8. In response to Findings of Fact Number Six (6) and Seven (7), Respondent states she struggled with migraine headaches and became dependent on hydrocodone. Respondent went to a house of a friend whose mother takes hydrocodone uninvited with the intention of stealing some of the medication. On November 4, 2013, Respondent started an intensive outpatient program four days a week as well as a 12-step program. Respondent also states she self reported to TPAPN.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
10. 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.
11. 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 §217.14. The evidence received is sufficient cause pursuant to Sections 301.452(b)(3),(10)&(12) and 301.4535(a)&(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 697800, heretofore issued to SARA DIANE ABBATE, 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.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 697800, heretofore issued to SARA DIANE ABBATE, 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 professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. Pursuant to Tex. Occ. Code section 301.4535(c), at least five (5) years from the date the Respondent successfully completes and is dismissed from community supervision or parole has elapsed; and
 - B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition for reinstatement.
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.

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 entry of this 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.

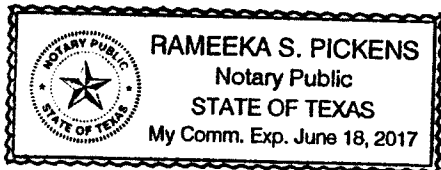
Signed this 9 day of October, 2014.

Sara Abbate

SARA DIANE ABBATE, Respondent

Sworn to and subscribed before me this 9 day of October, 2014.

SEAL



Rameeka S. Pickens
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 the voluntary surrender of Registered Nurse License Number 697800, previously issued to SARA DIANE ABBATE.

Effective this 27th day of October, 2014.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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