

4. Petitioner's vocational nursing employment history includes:

06/04 - 11/08	LVN	Fiango Home Health Houston, Texas
11/05 - 12/08	LVN	Ultrastaff Houston, Texas
01/08 - 08/08	Not employed in nursing	
09/08 - 10/10	LVN	Home Healthcare Network Houston, Texas
09/08 - 09/12	LVN	Accu-Care Home Health Houston, Texas
10/10 - 09/12	LVN	Lifetouch Home Health Houston, Texas
09/12 - 09/12	LVN	Med Epic Houston, Texas

5. On July 5, 2012, Petitioner was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the July 5, 2012, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On October 29, 2012, the Board accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the October 29, 2012, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about January 31 2014, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
- 8.1. Letter of support, dated January 8, 2014, from Barry F. Bass, M.D., Pain Medicine, Houston, Texas. Dr. Bass states that Petitioner has been under his care for low back pain. Petitioner is on pain medications which do not include strong opioid type medications. Dr. Bass states that testing has shown no risk for opioid misuse or abuse, and she is compliant with her treatment.

- 8.2. Letter of support, dated January 20, 2014, from Ivan C. Spector, M.D., Psychiatry, Houston, Texas, states that Petitioner has been under his care for Bipolar Disorder, Type 1. Dr. Spector states that Petitioner's most recent episode was Depressed, with Psychotic Features. Petitioner is very compliant with her treatment and her symptoms are completely in remission at this time. Dr. Spector states that Petitioner is quite capable of performing her nursing duties, and there are no psychiatric contraindications to her resuming her job as a nurse.
- 8.3. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

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 Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to CASSANDRA RENEE ROGERS, shall be subject to the following agreed post-licensure probation conditions:

(3) PETITIONER SHALL pay a monetary fine in the amount of three hundred fifty (\$350.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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>

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have 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 PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL

BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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:

(6) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(7) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

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

(9) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s).

PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

(11) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(13) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a vocational nurse.

(14) PETITIONER 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, PETITIONER 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 PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(15) PETITIONER 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 second 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 stipulation 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 is 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 PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation 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 Petitioner's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

(16) PETITIONER SHALL participate in therapeutic sessions with a neuropsychologist possessing credentials approved by the Board. PETITIONER SHALL CAUSE the neuropsychologist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the stipulation period, or until PETITIONER is dismissed from therapy.

(17) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

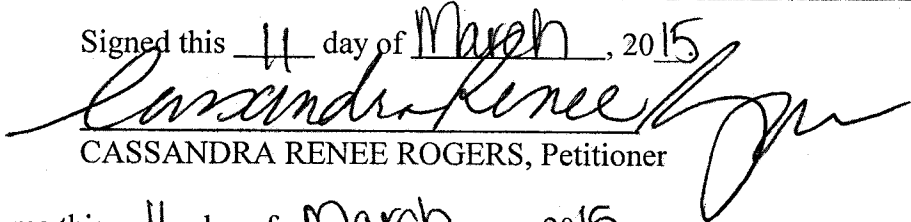
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

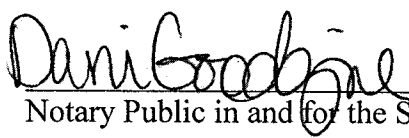
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 11 day of March, 2015


CASSANDRA RENEE ROGERS, Petitioner

Sworn to and subscribed before me this 11 day of March, 2015

SEAL


Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 11th day of March, 2015, by CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, and said Order is final.

Effective this 16th day of April, 2015.



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



Executive Director of the Board
accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 193516 §
issued to CASSANDRA RENEE ROGERS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, 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 provided to 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Prairie View A&M University, Houston, Texas, on December 8, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on June 1, 2004.
5. Respondent's nursing employment history includes:

06/04 - 02/12	LVN	Accu-Care Home Health Houston, Texas
03/10 - 02/11	LVN	Lifetouch Health Care Houston, Texas

Respondent's nursing employment history continued:

02/14/12 - 02/21/12 LVN Epic Health Services
Houston, Texas

03/12 - Present Not employed in nursing

6. On July 5, 2012, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated July 5, 2012, is attached and incorporated by reference as part of this Order.
 7. On or about September 11, 2012, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on July 5, 2012. Non-compliance is the result of Respondent's failure to comply with all the requirements of the TPAPN participation agreement, including her inability to comply with the work requirement of sixty-four (64) hours a month and her failure to pay the participation fee, as required by Stipulations Number One (1) and Number Three (3) of the Agreed Order dated July 5, 2012, which read as follows:
 - (1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.
 - (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.
- On September 11, 2012, Respondent was dismissed from TPAPN and referred to the Board.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
 9. 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.
 10. 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 §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 193516, heretofore issued to CASSANDRA RENEE ROGERS, 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.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 193516, heretofore issued to CASSANDRA RENEE ROGERS, 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 vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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.

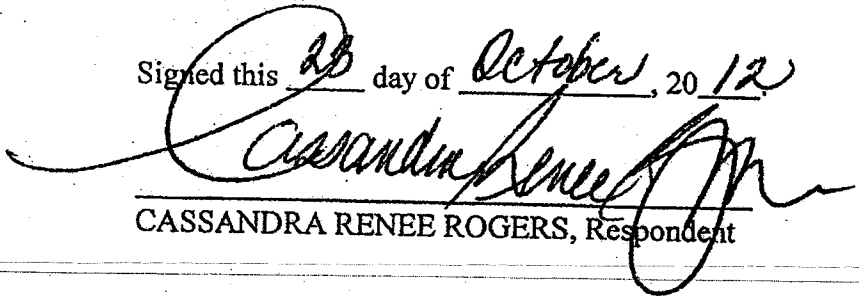
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RESPONDENT'S CERTIFICATION

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 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 23 day of October, 2012


CASSANDRA RENEE ROGERS, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

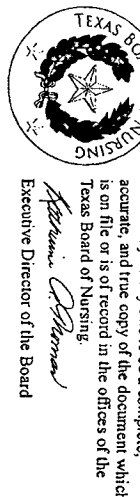
WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 193516, previously issued to CASSANDRA RENEE ROGERS.



Effective this 29th day of October, 2012.

Katherine A. Thomas

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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 193516, issued to §
CASSANDRA RENEE ROGERS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 22, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Prairie View A&M University, Houston, Texas, on December 8, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on June 1, 2004.
5. Respondent's nursing employment history includes:

06/04 - 02/12 LVN Accu-Care Home Health
Houston, Texas

Respondent's nursing employment history continued:

03/10 - 02/11	LVN	Lifetouch Health Care Houston, Texas
02/14/12 - 02/21/12	LVN	Epic Health Services Houston, Texas
03/12 - Present	Not employed in nursing	

6. At the time of the initial incident, Respondent was employed as a LVN with Epic Health Services, Houston, Texas, and had been in this position for three (3) days.
7. On or about February 17, 2012, while employed with Epic Health Services, Houston, Texas, Respondent engaged in the intemperate use of Methadone, in that Respondent submitted a specimen for a drug screen which resulted positive for Methadone. Possession of Methadone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methadone by a Licensed Vocational 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 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent lacked fitness to practice vocational nursing in that she was assigned to provide nursing care in the home to Patient KO, a pediatric cerebral palsy patient with a tracheostomy, feeding tube and ventilator. At 5:00 a.m., the patient's mother found Respondent in the kitchen removing numerous items from the kitchen cabinets and refrigerator, including food and ketchup. Respondent appeared impaired, crying and talking to herself. The mother then went to the patient's room and found the refrigerator turned over with the supplies lying on the floor. Respondent tried to take a seat cushion from her stating it was her briefcase and the patient's mother called the supervisor. When the supervisor arrived she observed Respondent with dried-up ketchup on her face, shirt and all over her pants, Respondent stood up and almost fell. The supervisor removed Respondent from the home and took her to the laboratory for a drug screen. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about February 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Nordiazepam, in that Respondent submitted a specimen for a drug screen which resulted positive for

Benzodiazepines and Nordiazepam. In addition, Respondent disclosed to her supervisor that she took Lortab and a "benzo" shot at noon on February 20, 2012. Possession of Benzodiazepines and Nordiazepam is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Nordiazepam by a Licensed Vocational 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 February 21, 2012, while employed with Epic Health Services, Houston, Texas, Respondent failed to provide nursing care and appropriate nursing interventions for Patient KO, a pediatric cerebral palsy patient with a tracheotomy, feeding tube and ventilator. The patient's mother reported that she found Respondent in the kitchen at 5:00 am and Respondent appeared impaired. The patient was found crying, covered in feces, and with a soaked diaper. In addition, Respondent failed to document the nursing care she provided. Respondent's conduct resulted in an incomplete medical record and was likely to deceive subsequent care givers who relied on the information while providing care to the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications as of result of not getting the nursing care as ordered by the physician.
11. On or about February 21, 2012, while employed with Epic Health Services, Houston, Texas, and assigned to provide nursing care to Patient KO, Respondent caused injury to the patient in that after Respondent was removed from her assignment, the patient was assessed and found to have scratches on her chest and left shoulder. Respondent's conduct exposed the patient unnecessarily to a risk of of experiencing physical, emotional and/or psychological harm.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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 and mental illness.
14. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states that in January 2010, they had a home invasion and since then she has been unable to sleep and she went to see a neurologist, Dr. O'Hanion. He examined her and sent her to the hospital to be admitted. She was depressed and was prescribed Effexor, Xanax, Lortab and Lexapro. After a week on the medications she became psychotic. As a result of the home invasion, she experiences panic attacks, does not leave the house after dark, she locks herself behind burglar bars, and does not allow anyone to visit without first calling her. She lost her mother in January 2012, and while cleaning her mom's room, she was feeling depressed and took a handful of medications and prayed to die. She told her psychiatrist, Dr. Spector, about

the suicide attempt and he had her sign a contract. She took a UA and it came back positive for Methadone. She denies use of recreational drugs. She does not recall telling her supervisor that she had a Benzo shot or that she took Lortab.

15. Respondent submitted the results of a Neurological Evaluation dated September 9, 2011, performed by Sevak Ohanian, MD, which states "The patient is a 47-year-old African American female with a history of gastric bypass, hypertension, asthma, gastroesophageal reflux disease and post traumatic stress disorder after a home invasion in January of this year, seen by a psychiatrist, placed on Alprazolam 2mg po q 12 prn with questionable benefit. Over the last several years, she has had insomnia with difficulty initiating and maintaining sleep, placed on Ambien and Lunesta without beneficial effects, after which she began experiencing sleepwalking/talking and acting out dreams during which time she was eating, cooking and paying bills. She has not had any injury during these times. . . She has a recent history of low back pain radiating down the left lower extremity she was placed on Baclofen, during which time she experienced recurrent spells of sudden onset "flashing lights" in her vision followed by loss of consciousness. . . On August 26, 2011, she had a "psychotic breakdown" with symptoms of irritability and screaming irrationally "quoting the Bible" requiring admission to LBJ Hospital for 36 hours, placed on Haldol 1mg PO Q day and Benztropine 0.5mg po bid with significant improvement in symptoms with complete resolution, currently off medication. Since that time, she has had no further syncopal spells. She had no history of psychiatric issues. Follow-up visit on 9/24/11 - according to her husband, over the last several weeks she has had progressive cognitive decline with decreased appetite, poor oral intake and weight loss. She was advised to be admitted to Memorial City Hospital for further evaluation."
16. Respondent submitted a letter dated February 24, 2012, from Ivan C. Spector, MD, Psychiatry, which states "Ms. Cassandra Rogers was seen in my office today. Ms. Rogers is recently diagnosed with Bipolar Disorder, Type I, most recent episode Depressed with Psychotic Features. She is very depressed and hopeless concerning the future secondary to losing her mother in January. Ms. Rogers did attempt suicide one week ago. She also has issues with sleep walking that have gotten progressively worse recently."
17. Respondent submitted a letter dated March 12, 2012, from Shahnaz Karim, MD, Physical Medicine & Rehabilitation, which states that Cassandra Rogers suffers from back pain. Ms. Rogers has been his patient for pain management for almost one (1) year. She should be qualified for long term disability as a result of her inability to do daily routine activities due to suffering from severe back pain.
18. Respondent's conduct described in Findings of Fact Numbers resulted from Respondent's impairment by dependency on chemicals and mental illness.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(A),(1)(D),(1)(M) &(1)(T) and 217.12(1)(A),(1)(E),(4),(5),(6)(C),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 193516, heretofore issued to CASSANDRA RENEE ROGERS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 liccns(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of June, 2012.

Cassandra Renee Rogers
CASSANDRA RENEE ROGERS, Respondent

Sworn to and subscribed before me this 11 day of June, 2012.

SEAL


Danni Goodgine
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 and enter the Agreed Order that was signed on the 11th day of June, 2012, by CASSANDRA RENEE ROGERS, Vocational Nurse License Number 193516, and said Order is final.



Entered and effective this 5th day of July, 2012.


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