



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

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In the Matter of  
Registered Nurse License Number 819898  
issued to LUCY MINTER SAKIEWICZ

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§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUCY MINTER SAKIEWICZ, Registered Nurse License Number 819898, 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)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 25, 2018.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Baylor University, Dallas, Texas, on May 11, 2012. Respondent was licensed to practice professional nursing in the State of Texas on June 21, 2012.
5. Respondent's nursing employment history includes:

7/2012 – 8/2013

RN

Rockingham Memorial  
Hospital  
Dallas, Texas

Respondent's nursing employment history continued:

|                   |         |   |
|-------------------|---------|---|
| 9/2013 – 4/2014   | RN      | Methodist Dallas Medical Center<br>Dallas, Texas    |
| 5/2014 – 4/2015   | Unknown |   |
| 5/2015 – 6/2015   | RN      | East Texas Medical Center<br>Tyler, Texas           |
| 7/2015 – 11/2016  | Unknown |   |
| 12/2016 – Unknown | RN      | Texas Health Presbyterian Hospital<br>Dallas, Texas |

6. On or about November 12, 2015, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the November 12, 2015, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about May 18, 2018, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Board on November 12, 2015. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that she admitted to an alcohol relapse, and failed to submit a specimen for a drug screen. Stipulation I (D) of the Confidential Agreed Order for Peer Assistance Program dated November 12, 2015, reads, in pertinent part:

“RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...”

On or about May 18, 2018, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing.

8. Respondent states she has no intention of returning to nursing for the next few years.
9. Formal Charges were filed on August 27, 2018.
10. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

## 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(9)&(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 Registered Nurse License Number 819898, heretofore issued to LUCY MINTER SAKIEWICZ.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

## TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 819898 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 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. At least one (1) year has elapsed from the date of this Order; and,
  - B. RESPONDENT has 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.

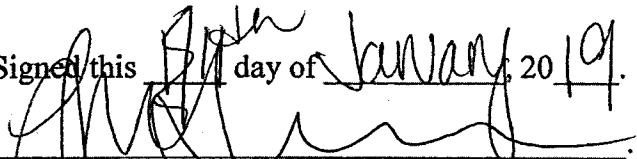
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

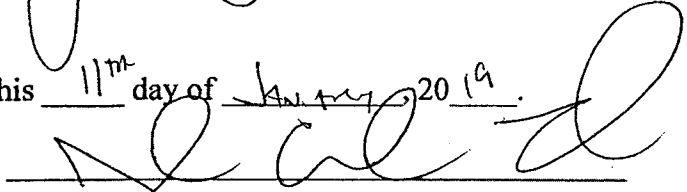
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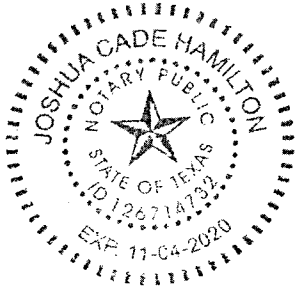
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this 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 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11<sup>th</sup> day of January, 2019.  
  
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LUCY MINTER SAKIEWICZ, Respondent

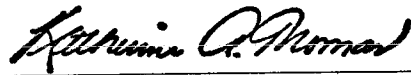
Sworn to and subscribed before me this 11<sup>th</sup> day of January, 2019.  
  
\_\_\_\_\_  
Notary Public in and for the State of TX

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of January, 2019, by LUCY MINTER SAKIEWICZ, Registered Nurse License Number 819898, and said Agreed Order is final.

Effective this 16th day of January, 2019.



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



Respondent's nursing employment history continued:

|                  |             |   |
|------------------|-------------|---|
| 5/2014 - 4/2015  | Unknown     |   |
| 5/2015 - 6/2015  | Staff Nurse | East Texas Medical Center<br>Tyler, Texas |
| 7/2015 - Present | Unknown     |   |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Methodist Dallas Medical Center, Dallas, Texas, and had been in that position for seven (7) months.

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7. On or about April 21, 2014, while employed as a Registered Nurse at Methodist Dallas Medical Center, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but is not limited to: appearing drowsy and spaced out. Respondent's conduct 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 patients in potential danger.
8. On or about April 21, 2014, while employed as a Registered Nurse at Methodist Dallas Medical Center, Dallas, Texas, Respondent misappropriated Fentanyl 100mg from the facility and the patients thereof, or failed to prevent the misappropriation of Fentanyl 100mg. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about May 30, 2015, through June 4, 2015, while employed at East Texas Medical Center, Tyler, Texas, Respondent withdrew Dilaudid, Soma, Norco, and Fentanyl for Patients 47796412 and 47723333 from the medication dispensing system, but failed to document, and or completely and accurately document, the administration of the medication (including signs, symptoms, and responses to the medication) in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct was likely to injure the patients, in that subsequent caregivers would rely on her documentation to further medicate the patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about May 30, 2015, through June 4, 2015, while employed at East Texas Medical Center, Tyler, Texas, Respondent withdrew Dilaudid, Soma, Norco, and Fentanyl from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications.
11. On or about May 30, 2015, through June 4, 2015, while employed at East Texas Medical Center, Tyler, Texas, Respondent misappropriated Dilaudid, Soma, Norco, and Fentanyl from the facility and the patients thereof, or failed to take precautions to prevent



misappropriation of the medications. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

12. On or about June 14, 2015, while employed at East Texas Medical Center, Tyler, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior that included, but is not limited to: being observed sleeping at the nurses' station and being slow to respond. Respondent's conduct 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 patients in potential danger.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent requests permission from the Board to allow her to join TPAPN.
14. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
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 substance use disorder.
17. 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 301.451-301.555, 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 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(6)(G),(8),(10)(A), & (10)(E).
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 819898, heretofore issued to LUCY MINTER BRANUM.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. 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.

### TERMS OF ORDER

#### I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT 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):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. 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;
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

#### II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to 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.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order:

~~A Board-approved course in Texas nursing jurisprudence and ethics~~ that 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. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

### IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board

Rules, this Order shall be treated as prior disciplinary action and will become public information.

**V. EFFECT OF NONCOMPLIANCE**

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 TEMPORARY 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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**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

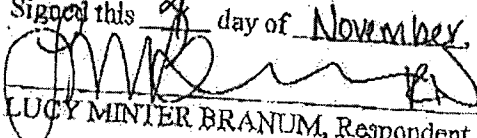
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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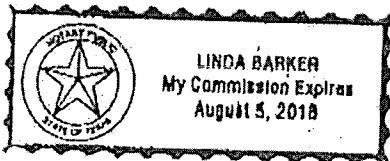
RESPONDENT'S CERTIFICATION

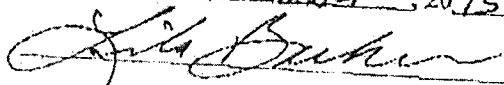
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4<sup>th</sup> day of November, 2015.  
  
LUCY MINTER BRANUM, Respondent

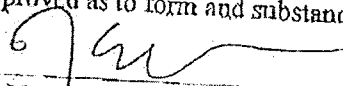
Sworn to and subscribed before me this 4<sup>th</sup> day of November, 2015.

SEAL



  
Notary Public in and for the State of TX

Approved as to form and substance.

  
JON E. PORTER, Attorney for Respondent

Signed this 3 day of November, 2015

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 4th day of November, 2015, by LUCY MINTER BRANUM, Registered Nurse License Number 819898, and said Order is final.

Effective this 12th day of November, 2015.



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