

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.
Michelle O'Hanrahan
Executive Director of the Board

In the Matter of §
Permanent Advanced Practice Registered § **BEFORE THE TEXAS**
Nurse License Number AP112248 & §
Permanent Registered Nurse §
License Number 664123 §
Issued to SARA JANE MAKIELSKI, § **BOARD OF NURSING**
Respondent §

ORDER OF TEMPORARY SUSPENSION

**TO: SARA MAKIELSKI
2505 ENFIELD ROAD, APT. 9
AUSTIN, TEXAS 78703**

A public meeting of the Texas Board of Nursing was held on October 21, 2019 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Advanced Practice Registered Nurse License Number AP112248, and Permanent Registered Nurse License Number 664123, issued to SARA JANE MAKIELSKI was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of SARA JANE MAKIELSKI and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

CHARGE I.

On or about September 3, 2019, You became noncompliant with your TPAPN Agreed order issued to you by the Texas Board of Nursing on January 3, 2019. Noncompliance is the result of Respondent producing a positive urine specimen for MDA (Methylenedioxy-Amphetamine) and MDMA (Methylenedioxy-Methamphetamine). Stipulation Number Five (V) for the Agreed Order Dated January 3, 2019, states in pertinent part:

(V). SHOULD RESPONDENT fail to comply with this Order of 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 Occupation Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

CHARGE II.

On or about September 9, 2019, you became noncompliant with your TPAPN Agreed Order issued to you on January 3, 2019. Noncompliance is the result of your failure to comply with the terms of the participation agreement with TPAPN by being inconsistent with recovery in that Respondent admitted to using Ecstasy. Stipulation Number Five (V) for the Agreed Order Dated January 3, 2019, states in pertinent part:

(V). SHOULD RESPONDENT fail to comply with this Order of 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 Occupation Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

The Texas Board of Nursing further finds that, given the nature of the charges concerning Her fitness to practice, the continued practice of nursing by SARA JANE MAKIELSKI constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Advanced Practice Registered Nurse License Number AP112248, and Permanent Registered Nurse License Number 664123, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Advanced Practice Registered Nurse License Number AP112248, and Permanent Registered Nurse License Number 664123, issued to SARA JANE MAKIELSKI, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 21st day of October, 2019.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

D4551(2019.09.18)

In the Matter of	§	
Permanent Advanced Practice Registered	§	BEFORE THE TEXAS
Nurse License Number AP112248 &	§	
Permanent Registered Nurse	§	
License Number 664123	§	BOARD OF NURSING
Issued to SARA JANE MAKIELSKI,	§	
Respondent	§	

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SARA JANE MAKIELSKI, is an Advanced Practice Registered Nurse holding License Number AP112248 with authorization(s) as a Nurse Anesthetist without Prescription Authorization, which is in current status at the time of this pleading. Further, Respondent is a Registered Nurse holding license number 664123 which is in current 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 September 3, 2019, You became noncompliant with your TPAPN Agreed order issued to you by the Texas Board of Nursing on January 3, 2019. Noncompliance is the result of Respondent producing a positive urine specimen for MDA (Methylenedioxy-Amphetamine) and MDMA (Methylenedioxy-Methamphetamine). Stipulation Number Five (V) for the Agreed Order Dated January 3, 2019, states in pertinent part:

(V). SHOULD RESPONDENT fail to comply with this Order of 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 Occupation Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

CHARGE II.

On or about September 9, 2019, you became noncompliant with your TPAPN Agreed Order issued to you on January 3, 2019. Noncompliance is the result of your failure to comply with the terms of the participation agreement with TPAPN by being inconsistent with recovery in that Respondent admitted to using Ecstasy. Stipulation Number Five (V) for the Agreed Order Dated January 3, 2019, states in pertinent part:

(V). SHOULD RESPONDENT fail to comply with this Order of 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 Occupation Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 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) and/or privilege(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.

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.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

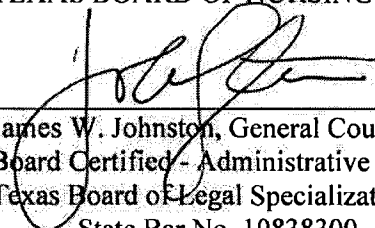
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated January 6, 2012, and January 3, 2019.

Filed this 21st day of October, 2019.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Helen Kelley, Assistant General Counsel
State Bar No. 24086520

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Attachment(s): Order(s) of the Board dated January 6, 2012, and January 3, 2019.

D(2019.09.18)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP112248	§	
& Registered Nurse License Number 664123	§	
issued to SARA JANE MAKIELSKI	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARA JANE MAKIELSKI, Advanced Practice Registered Nurse License Number AP112248, and Registered Nurse License Number 664123, 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)(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 November 26, 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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist without Prescription Authorization is in current status.
4. Respondent received an Associate Degree in Nursing from Southwestern Michigan College, Dowagiac, Michigan, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 1999. Respondent received a Masters Degree in Nursing from Texas Wesleyan University, Fort Worth, Texas, on December 6, 2002. Respondent was licensed to practice as an advanced practice registered nurse in the role of nurse anesthetist in the State of Texas on August 12, 2003.

5. Respondent's nursing employment history includes:

10/1999 - 01/2003	Unknown	
02/2003 - 06/2007	CRNA	Capitol Anesthesiology Association Austin, Texas
07/2007 - 10/2010	CRNA-Locums Tenens	Baylor Scott & White Temple, Texas Westlake Medical Center Austin, Texas Austin Plastic Surgery Center Austin, Texas St. Mark's Medical Center La Grange, Texas Metroplex Health System Killeen, Texas Austin Pain Associates Austin, Texas North Cypress Medical Center Cypress, Texas South Austin Surgery Center Austin, Texas East Texas Medical Center Quitman, Texas Val Verde Medical Center Del Rio, Texas Baptist St. Anthony's Health System Amarillo, Texas Good Shepard Medical Center Marshall, Texas
11/2010 - 06/2011	CRNA	North Texas Community Hospital Bridgeport, Texas

Respondent's nursing employment history continued:

07/2011 - 01/2014	Unknown	
01/2014 - 03/2014	RN	TMF Quality Health Care Austin, Texas
04/2014 - 09/2014	Unknown	
10/2014 - 11/2015	RN	Austin RNC Austin, Texas
12/2015 - 01/2016	Unknown	
02/2016 - 02/2017	RN	Hospital at Westlake Austin, Texas
02/2017 - 01/2018	CRNA	Advanced Pain Care Round Rock, Texas
02/2018 - Present	Unknown	

6. On or about January 6, 2012, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the January 6, 2012, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the incident, Respondent was employed as a Certified Registered Nurse Anesthetist with Advanced Pain Care, Round Rock, Texas, and had been in that position for eleven (11) months.
8. On or about January 5, 2018, while employed as a Certified Registered Nurse Anesthetist with Advanced Pain Care, Round Rock, Texas, Respondent misappropriated two (2) vials of Propofol and syringes belonging to the facility. Furthermore, Round Rock Police Department matched the lot numbers on the two (2) vials of Propofol Respondent had with lot numbers of Propofol from Advanced Pain Care. Respondent's conduct was likely to defraud the facility the cost of the medications.
9. In response to Finding of Fact Number Eight (8), Respondent agrees with the general factual description of events. Additionally, Respondent states she self-reported to the Texas Peer Assistance Program for Nurses on January 16, 2018, and has remained compliant with the program including completing treatment, attending AA support groups, counseling, communicating with her case manager and random screenings.

10. Formal Charges were filed on July 5, 2018.
11. 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 §217.12 (6)(G),(8),(10)(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP112248, and Registered Nurse License Number 664123, heretofore issued to SARA JANE MAKIELSKI.
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 effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date 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), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.

- 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 in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

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 the effective date of this Order, unless otherwise specifically indicated:

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 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.*

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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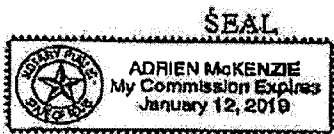
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 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 31st day of December, 2018.

Sara Jane Makielski
SARA JANE MAKIELSKI, Respondent

Sworn to and subscribed before me this 31st day of December, 2018.



[Signature]
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 3rd day of January, 2019

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 31st day of December, 2018, by SARA JANE MAKIELSKI, Advanced Practice Registered Nurse License Number AP112248, and Registered Nurse License Number 664123, and said Agreed Order is final.

Effective this 3rd day of January, 2019.



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



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 664123 §
issued to SARA JANE MAKIELSKI § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of SARA JANE MAKIELSKI, Registered Nurse License Number 6641 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 20, 2011, 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 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 Southwestern Michigan College, Dowagiac, Michigan, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on September 16, 1999. Respondent completed a Nurse Anesthetist Program at Texas Wesleyan University, on December 6, 2002. Respondent was recognized as a Nurse Anesthetist by the Texas Board of Nursing on August 12, 2003.
5. Respondent's complete professional nursing employment history includes:

09/1999-01/03 Unknown

Respondent's complete professional nursing employment history includes (continued):

01/03-06/07	CRNA	Capitol Anesthesiology Association Austin, Texas
06/07-10/10	CRNA-Locums Tenens	Scott and White Temple, Texas
		Westlake Medical Center Austin, Texas
		Austin Plastic Surgery Center Austin, Texas
		St. Mark's Medical Center La Grange, Texas
		Metroplex Health System Killeen, Texas
		Austin Pain Associates Austin, Texas
		North Cypress Medical Center Cypress, Texas
		South Austin Surgery Center Austin, Texas
		East Texas Medical Center Quitman, Texas
		Val Verde Medical Center Del Rio, Texas
		Baptist St. Anthony's Health System Amarillo, Texas
		Good Shepard Medical Center Marshall, Texas
11/10-06/11	CRNA	North Texas Community Hospital Bridgeport, Texas

Respondent's nursing employment history continued:

7/11 - present

Unknown

6. At the time of the incident as stated in Finding of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Certified Registered Nurse Anesthetist with North Texas Community Hospital, Bridgeport, Texas, and had been in this position for approximately seven (7) months.
7. On or about June 6, 2011, while employed as a Registered Nurse with North Texas Community Hospital, Bridgeport, Texas, Respondent lacked fitness to practice nursing in that she was observed injecting herself with an unknown substance into her arm. After being confronted, Respondent stated the drug was Propofol, but refused to go to the Emergency Department and asked if "they were going to report her to the Board." Additionally, Respondent had slow speech, looked dazed, was swaying and stumbling. 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.
8. On or about June 6, 2011, while employed as a Certified Registered Nurse Anesthetist with North Texas Community Hospital, Bridgeport, Texas, Respondent engaged in the intemperate use of Propofol in that she admitted to injecting herself with the narcotic while on duty. Unlawful possession of Propofol is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propofol 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 patients 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.
9. On or about September 15, 2011, Respondent lacked fitness to practice nursing in that she admitted herself to Passages Rehabilitation Center, Ventura, California, for treatment of chemical dependency, which she completed on October 15, 2011. 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.
10. In Response to Finding of Fact Numbers Seven (7) through Nine (9), Respondent states that once she realized she needed help she stopped working and entered Passages Rehabilitation in Ventura, California, and completed the twenty-eight (28) day program on October 15, 2011. Respondent states once returning home she has been attending three (3) to four (4) Alcoholics Anonymous meetings weekly and is focusing on her recovery and not working at this time.

11. 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.
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
13. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Nine (9)* resulted from Respondent's dependency on chemicals.
14. 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), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(1)(A) & (B), (4), (5), (10)(A) & (11)(B).
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 664123, heretofore issued to SARA JANE MAKIELSKI, 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 five hundred dollars (\$500.00) 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

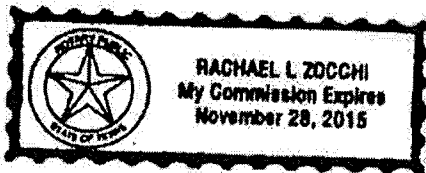
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By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

Signed this 23RD day of December, 2011.

Sara Jane Makieliski
SARA JANE MAKIELSKI, Respondent

Sworn to and subscribed before me this 23 day of December, 2011.

SEAL



Rachael L. Zocchi
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
Oscar San Miguel, Attorney for Respondent

Signed this 2nd day of January, 2012

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 23rd day of December, 2011, by SARA JANE MAKIELSKI, Registered Nurse License Number 664123, and said Order is final.



Entered and effective this 6th day of January, 2012.

Katherine A. Thomas

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