

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 617757
ISSUED TO
SANDRA ANN THOMAS

§
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§
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§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Sandra Ann Thomas
230 Laural Woodway
Vacaville, CA 95687

During open meeting held in Austin, Texas, on Tuesday, June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 617757, previously issued to SANDRA ANN THOMAS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 14th day of Jan, 2011.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed May 17, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Sandra Ann Thomas
230 Laural Woodway
Vacaville, CA 95687

BY:



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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www/bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

May 18, 2011

Certified Mail No. 91 7108 2133 3934 1903 0847
Return Receipt Requested

Sandra Ann Thomas
230 Laural Woodway
Vacaville, CA 95687

Dear Ms. Thomas:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Kevin G. Freemyer, Investigator. You may obtain legal counsel at your own expense.

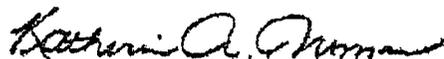
FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Kevin G. Freemyer, Investigator, Enforcement Division, at the above address, or at (512) 305-8314.

Sincerely,


Katherine A. Thomas, MN, RN
Executive Director

KAT/kgf

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, President

Deborah Ball, CLU, ChFC Arlene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Martyn Davis, BSN, RN, MPA Sugar Land
Bianca Rosa Garcia, PhD, RN Corpus Christi	Richard Gibbs, LVN Mesquite	Kathy Leader-Horn, LVN Granbury	Josefina Lujan, PhD, RN El Paso	Beverly Jean Nutall, LVN Bryan	Mary Jane Salgado, MEd Eagle Pass

In the Matter of Permanent License § BEFORE THE TEXAS
Number 617757, Issued to §
SANDRA ANN THOMAS, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SANDRA ANN THOMAS, is a Registered Nurse holding license number 617757, which is in Delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about December 16, 2010, Respondent's license to practice professional nursing in the State of Michigan received an Order of Summary Suspension by the State of Michigan Board of Nursing, Lansing, Michigan.

A copy of the Order of Summary Suspension, December 16, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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CONTINUED ON NEXT PAGE

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1,200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Michigan Order of Summary Suspension, dated December 16, 2010.

Filed this 17th day of May, 2011.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of Summary Suspension of the Michigan Board, dated December 16, 2010

D/2010.12.28

Package Details

Welcome, Kevin Freemyer

Events

Requested

Shipped



Monday
5/9/2011
8:49 AM

Wednesday
5/18/2011
2:24 PM

Details

Signature

Site	TPASS	City	Vacaville
DEMS ID	Z900000219181	State	CA
Ship To 1	Sandra Ann Thomas	ZIP	95687
Ship To 2		Country	US
Address 1	230 Loral Woodway	Weight	0.500
Address 2		Manifest Date	5/18/2011
Address 3		Carrier	POST
Service	2PM	Tracking No.	9171082133393419030847
Sender First Name	Kevin	Sender Last Name	Freemyer
Remark1	D	Remark2	
Remark3		Reference	
Delivery Date			

Events Contents

Status	Date	Time	Clerk	Location	Site	Notes/Reference	Signature
REQUESTED	5/9/2011	8:49 AM	kevinf		TPASS		
SHIPPED	5/18/2011	2:24 PM			TPASS		

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Package Details

Welcome, Kevin Freemyer

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No USPS Signature file found in the database for Tracking Number: 9171082133393419030847

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STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SANDRA ANN THOMAS, R.N.
License Number: 47-04-245237

File Number: 47-10-118468

ORDER OF SUMMARY SUSPENSION

An Administrative Complaint has been filed against the above-named Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq., the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.; and

After careful consideration of the documentation filed in said cause and after consultation with the Chairperson of the Board of Nursing pursuant to section 16233(5) of the Public Health Code, supra, the Department hereby finds that the public health, safety, or welfare requires emergency action; now therefore,

IT IS HEREBY ORDERED that Respondent's license to practice as a registered nurse in the state of Michigan shall be and hereby is SUMMARILY SUSPENDED, commencing the date this order is served.

Under 1996 AACRS, R 338.1610, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
COMMUNITY HEALTH

Dated: December 16, 2010

By: Melanie B. Brim

Melanie B. Brim, Director
Bureau of Health Professions

For a complete list of the rules and regulations of the Board of Nursing, please refer to the Michigan Administrative Code, Part 333.1101 et seq., which is available on the website of the Department of Community Health, Bureau of Health Professions.

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF NURSING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SANDRA ANN THOMAS, R.N.
License Number: 47-04-245237

File Number: 47-10-118468

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Community Health, hereafter Complainant, by Melanie B. Brim, Director, Bureau of Health Professions, and files this complaint against Sandra Ann Thomas, R.N., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Nursing, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a registered nurse in the state of Michigan.

3. Section 16233(5) of the Public Health Code, supra, provides, in pertinent part, as follows:

STATE OF MICHIGAN - LANSING COUNTY
Melanie B. Brim is a
Supervisor in the office of
The Department of Community Health
Bureau of Health Professions

8. On November 3, 2006, Respondent entered into a three-year, dual diagnosis, non-disciplinary monitoring agreement with the HPRP, acknowledging her impairment. The terms of the monitoring agreement require, in part, that Respondent abstain from alcohol, controlled substances, and other mood-altering substances. Subsequently, Respondent entered into a three-year, return-to-work agreement with the facility. The agreement required, in part, that Respondent submit to random drug screens, report to work free from alcohol and all mood-altering substances, and participate with the HPRP.

9. On February 6, 2007, Respondent submitted to a random drug screen which tested positive for cocaine. Subsequently, Respondent's addictionist recommended that Respondent stop working and the facility suspended Respondent's employment. As a result of Respondent admitting to relapsing on cocaine "a few times" in February 2007, the HPRP extended the duration of Respondent's monitoring agreement by three months and recommended that Respondent return to an IOP treatment program, which she entered and completed on March 23, 2007.

10. On April 11, 2007, Respondent informed the HPRP that she had again relapsed on cocaine and alcohol, and was awaiting entry into a residential treatment program for detoxification and rehabilitation of alcohol dependency, cocaine abuse, cannabis, and opiate abuse.

11. On May 14, 2007, the HPRP received a return-to-work assessment from Respondent's therapist, which approved Respondent to work as a nurse with access to controlled substances, 40 hours per week, days or afternoons but no

midnights. The HPRP was also notified that the facility had terminated Respondent's employment.

12. On August 23, 2007, under file number 47-07-106110, the facility reported Respondent's employment termination pursuant to section 20175(5) of the Public Health Code, supra, for violating the return-to-work agreement by testing positive for cocaine on a drug screen. Subsequently, in lieu of pursuing disciplinary action against Respondent, Complainant referred Respondent to the HPRP for continued non-disciplinary monitoring.

13. On November 1, 2007, the HPRP approved Respondent's employment with Sister Servants of Immaculate Heart of Mary, in Monroe, Michigan.

14. On November 13, 2007, Respondent reported to work during lunch with alcohol on her breath. Subsequently, Sister Servants of Immaculate Heart of Mary suspended Respondent's employment pending further investigation. Consequently, the HPRP directed Respondent to meet with her addictionist.

15. On November 19, 2007, Respondent submitted to a drug screen which tested positive for cocaine. Subsequently, the HPRP notified Respondent's providers. Respondent's therapist recommended a residential substance abuse treatment program. (Respondent entered the treatment program on December 6, 2007.)

16. On February 18, 2008, the HPRP mailed Respondent a letter advising that she had failed to call the drug testing facility from February 4, 2008, to

February 8, 2008. The HPRP directed Respondent to meet with her addictionist by February 26, 2008. Also on this date, the HPRP received notification that Respondent left the residential substance abuse treatment program against medical advice. Subsequently, the HPRP contacted Respondent, who advised that "there was no point in remaining in the residential treatment program for another two weeks to devise a plan of continued care."

17. On March 13, 2008, the HPRP received a return-to-work assessment from Respondent's addictionist. Respondent was deemed safe to practice without narcotic restrictions.

18. On March 19, 2008, the HPRP mailed Respondent a letter advising that she had failed to call the drug testing facility from March 10, 2008, to March 14, 2008. The HPRP directed Respondent to meet with her addictionist by March 26, 2008.

19. On August 14, 2008, Respondent's therapist reported that Respondent occasionally missed group therapy sessions. Subsequently, the HPRP increased the frequency of group therapy.

20. On December 10, 2008, Respondent submitted to a drug screen which tested positive for propoxyphene. Subsequently, Respondent's therapist recommended that Respondent be taken off work if she produced another positive drug screen.

21. On January 28, 2009, the HPRP approved Respondent's employment with Henry Ford-Wyandotte Hospital, in Wyandotte, Michigan.

22. On March 23, 2009, the HPRP notified Respondent that she was non-compliant with the terms of her monitoring agreement. Specifically, Respondent failed to submit addictionist reports for August 2008, November 2008, and February 2009, failed to submit therapist reports for May 2008, failed to submit monthly self-reports for January 2009 and February 2009. The HPRP directed Respondent to submit the overdue documentation by April 6, 2009.

23. On October 16, 2009, the HPRP notified Respondent that she was non-compliant with the terms of her monitoring agreement. Specifically, Respondent failed to submit addictionist reports for May 2009 and August 2009. The HPRP directed Respondent to submit the overdue documentation by October 30, 2009.

24. On November 13, 2009, the HPRP reviewed Respondent's file and noted that Respondent had overdue documentation and that Respondent had failed to submit to several required drug screens. Consequently, the HPRP extended the duration of Respondent's monitoring agreement by three months.

25. On December 4, 2009, Respondent's therapist informed the HPRP that Respondent admitted relapsing and "using" since July 2009, but was reluctant to enter an IOP treatment program and report her relapses to the HPRP. Respondent subsequently informed the HPRP that she had treated with an out-of-state psychiatrist who prescribed Antabuse and Campral. The HPRP directed Respondent to notify her providers of the prescriptions. In addition, the HPRP informed Respondent that she could not return to work until she was deemed safe to practice.

26. On December 10, 2009, the HPRP received a return-to-work assessment from Respondent's therapist with the following recommendations: a) increase Respondent's frequency of random drug screens; b) attend group/individual therapy for one year; and c) meet with a sponsor face-to-face at least twice per week. Subsequently, with the support of Respondent's addictionist and therapist, the HPRP extended the duration of Respondent's monitoring by one year.

27. On May 26, 2010, the HPRP notified Respondent that she was non-compliant with the terms of her monitoring agreement. Specifically, Respondent failed to submit worksite reports since May 3, 2010, and failed to submit sponsor reports since April 2010. The HPRP directed Respondent to submit overdue documentation by June 9, 2010.

28. On June 28, 2010, Respondent submitted to a drug screen which tested positive for norpropoxyphene. Consequently, the duration of Respondent's monitoring agreement was extended by three months.

29. On July 19, 2010, Respondent's vacation request for the period of August 6, 2010, to August 14, 2010, was approved by the HPRP and Respondent's providers.

30. On July 28, 2010, Respondent informed her therapist that she was not attending her scheduled therapy session because Respondent decided to leave early for her vacation. Consequently, the HPRP decided to close Respondent's file

based on her lack of progress and non-compliance, and sent Respondent the necessary paperwork to initiate a Step-1 review for return.

31. On August 12, 2010, the HPRP notified Respondent that her Step-1 review had been denied and sent the necessary paperwork to initiate a Step-2 review for return by August 23, 2010.

32. On September 29, 2010, October 5, 2010, and October 13, 2010, Respondent submitted diluted urine drug samples.

33. On November 4, 2010, the Health Professional Recovery Committee denied Respondent's Step-2 review. Subsequently, the HPRP forwarded Respondent's file to Complainant for disposition.

COUNT I

Respondent's conduct, as set forth above, evidences a conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice the health profession, in violation of section 16221(a) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences substance abuse, in violation of section 16221(b)(ii) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a mental or physical inability reasonably related to and adversely affecting Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(iii) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, evidences obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, in violation of section 16221(c)(iv) of the Public Health Code, supra.

WHEREFORE, Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, MCL 24.201 et seq; the Public Health Code, and the rules promulgated thereunder, to determine whether disciplinary action should be taken against Respondent for the reasons set forth above.

FURTHER, pending a hearing and final determination in the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health, safety and welfare requires emergency action and Respondent's license to practice as a registered nurse should accordingly be summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The

STATE OF MICHIGAN
DEPARTMENT OF HEALTH
DIVISION OF NURSING
300 N ZEEB RD
LANSING MI 48206
313-676-3000

written response shall be submitted to Complainant, Melanie B. Brim, Director, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: December 16, 2010

Melanie B. Brim

Melanie B. Brim, Director
Bureau of Health Professions

This is the last and final page of an Administrative Complaint in the matter of Sandra Ann Thomas, R.N., File Number 47-10-118468, before the Disciplinary Subcommittee of the Michigan Board of Nursing, consisting of 10 pages, this page included.

LFM