



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 637414 §
issued to SANDRA NOSTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of SANDRA NOSTER, Registered Nurse License Number 637414, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 17, 2009, by Katherine A. Thomas, MN, RN, 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.
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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas, on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on February 4, 1997.
5. Respondent's professional nursing employment history is unknown.
6. At the time of the incidents described in Findings of Fact Numbers Eleven (11) through Sixteen (16), Respondent was employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, and had been in this position for approximately five (5) months.

7. On or about December 15, 2007, Respondent was arrested by the League City Police Department, League City, Texas, and subsequently charged under Cause Nos. 277612 and 277615 for POSSESSION OF SUBSTANCE IN PENALTY GROUP 3 - 2 COUNTS (Class A misdemeanor offenses), and Cause No. 277618 for POSSESSION OF SUBSTANCE IN PENALTY GROUP 4 (a Class B misdemeanor offense).
 - A. On or about May 28, 2008, Respondent entered a plea of Nolo Contendere and was convicted of POSS CS PG 3 < 28G REDUCED TO RECKLESS DRIVING (a Class B misdemeanor offense committed on December 15, 2007), in the County Court Number No. 1 of Galveston County, Texas, under Cause No. 277612. As result of the conviction, Respondent was sentenced to confinement in the Galveston County Jail for a period of three hundred sixty-five (365) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs.
 - B. On or about May 28, 2008, Cause Nos. 277615 and 277618 were dismissed in County Court at Law No. 1 of Galveston County, Texas, because Respondent was convicted in Cause No. 277612.
8. In response to Finding of Fact Number Seven (7), Respondent states: She accidentally rear-ended a car and has no memory of what happened. Before this incident took place, she had been visiting a man in her care of home health. He was a client in a League City Nursing Home. She had a terrible headache and felt nauseated. She had hypoglycemia, she had not eaten anything and it was around 2pm in the afternoon. The pills that she had were from another patient's wife who was going to throw them away. She didn't throw them away because she wasn't sure what they were and she kept them in case she wanted them. She had them in her purse, but had forgotten they were there. She had them for about three days and had been too busy to find out what they were. While on her way to get food, she must have taken "something" because she did have a terrible headache.
9. On or about May 4, 2008, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
 - A. been convicted of a misdemeanor? . . ."

On or about May 28, 2008, Respondent entered a plea of Nolo Contendere and was convicted of POSS CS PG 3 < 28G REDUCED TO RECKLESS DRIVING (a Class B misdemeanor) in Galveston County, Texas.

10. On or about May 4, 2008, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder . . ." Respondent failed to disclose that on January 8, 2008, she was diagnosed with a Bipolar disorder and severe depression.
11. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent obtained Vicodin under her own name, through the use of fraudulent oral or telephonically communicated prescriptions, using the name and Drug Enforcement Agency (DEA) number assigned to Leonard Kibert, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Vicodin through use of a unauthorized and fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent obtained Suboxone under her own name, through the use of fraudulent oral or telephonically communicated prescriptions, using the name and Drug Enforcement Agency (DEA) number assigned to Leonard Kibert, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Suboxone through use of a unauthorized and fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent obtained opioids under her own name, through the use of fraudulent oral or telephonically communicated prescriptions, using the name and Drug Enforcement Agency (DEA) number assigned to Leonard Kibert, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of opioids through use of a unauthorized and fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
14. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent engaged in the intemperate use of Vicodin, in that Respondent admitted that she had obtained Vicodin through the use of fraudulent oral or telephonically communicated prescriptions, for her own personal use. Possession of Vicodin, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Vicodin 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 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.
15. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent engaged in the intemperate use

of Suboxone, in that Respondent admitted that she had obtained Suboxone through the use of fraudulent oral or telephonically communicated prescriptions, for her own personal use. Possession of Suboxone, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Suboxone 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 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.

16. On or about October 2008, through February 2009, while employed as a Registered Nurse with Pathways to Recovery, La Marque, Texas, Respondent engaged in the intemperate use of opioids, in that Respondent admitted that she had obtained the opioids through the use of fraudulent oral or telephonically communicated prescriptions, for her own personal use. Possession of Opioids, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of opioids 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 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.
17. In response to Findings of Fact Numbers Eleven (11) through Sixteen (16), Respondent states: While working at Pathways to Recovery, her position allowed her to work alone with a MD via telephone. As clients would come in, she would do her assessments and then call the MD about the medication regiment he would want them put on. She would then call in the RX herself. After months of doing this, Respondent became "comfortable" in her position and since the MD agreed with her perception of what meds the client needed, she began calling in the meds first and calling the doctor later about what she had called in. Realizing how easy it was to call in RX's, sometime between October 2008 and February 2009 she called in medicine for her husband which were refills on what he had been prescribed before by another MD. She called in Ambien and Phenergan for him. She also called in vicodin under his name once, but in reality it was for herself. Respondent states she was used to calling in Suboxone for the clients at Pathways. They told her how great it was at keeping the cravings of opioid usage away, so she decided to try it for herself to see if it would help with her cravings. It seemed to help her, so she used it as directed for a month. When the MD confronted her about calling in RX's for clients before speaking with him, she admitted that she had been doing so and told him she would not do that anymore. Then she ran out of Suboxone. She was scared to call in the RX again and went back to using opioids, believing she would have control this time. It didn't work and after ten days she knew she needed Suboxone again. She decided to call it in one more time and then find an MD to prescribe it instead of using the MD she worked for. She got caught and was confronted by the MD.
18. 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.

19. 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.
20. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), resulted from Respondent's impairment by dependency on chemicals.
21. 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)(2),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(6)(H)&(I),(10)(A),(B)&(E),(11)(B)&(13).
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 637414, heretofore issued to SANDRA NOSTER, including revocation of Respondent's license 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):

RESPONDENT SHALL deliver the wallet-sized license issued to SANDRA

NOSTER, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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) 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 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 multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 and multistate licensure 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.

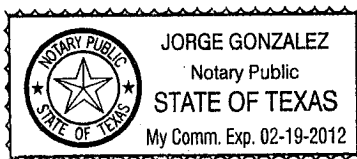
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27th day of October, 2009.

Sandra Noster
SANDRA NOSTER, Respondent

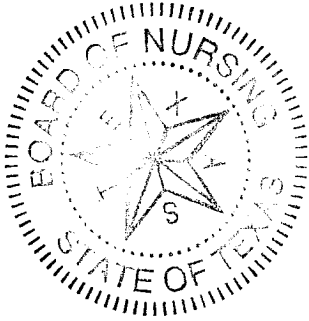
Sworn to and subscribed before me this 27th day of October, 2009.

SEAL



[Signature]
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 27th day of October, 2009, by SANDRA NOSTER, Registered Nurse License Number 637414, and said Order is final.



Entered and effective this 3rd day of November, 2009.

Katherine A. Thomas

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