

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 530411 § AGREED
issued to SARAH JANE LEVER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SARAH JANE LEVER, Registered Nurse License Number 5304 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(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 January 2, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 August 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1986.
5. Respondent's professional nursing employment history includes:

03/86 - 03/01 Unknown



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

Respondent's professional nursing employment history (continued):

| | | |
|-----------------|-------------|---|
| 04/01 - 11/01 | Staff Nurse | Memorial Hermann Hospital NW Houston, TX |
| 01/02 - 07/02 | Field Nurse | Houston Hospice Houston, TX |
| 11/02 - 03/03 | Staff RN | Conroe Regional Medical Center Conroe, TX |
| 04/03 - 07/05 | Field Nurse | Quality Care Home Health Houston, TX |
| 10/04 - 01/06 | Field Nurse | Angelus Home Health Houston, TX |
| 02/06 - 03/07 | Unknown | |
| 04/07 - 11/07 | RN | University of Texas Medical Branch Galveston, TX |
| 12/07 - Current | Unknown | |

6. At the time of the incidents referenced in Findings of Fact Numbers Nine (9) through Eleven (11), Respondent was employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and had been in this position for approximately four (4) months.
7. On or about March 8, 2007, Respondent may have lacked fitness to practice professional nursing in that while undergoing a psychiatric evaluation conducted by Charles B. Covert, M.D., Houston, Texas, Respondent was diagnosed with delusional disorder (persecutory type). Respondent's condition may have prevented her from delivering safe nursing care.
8. In response to Finding of Fact Number Seven (7), Respondent admits that she was diagnosed by Dr. Covert with delusional disorder in 2007. However, Respondent states that Dr. Covert had confused what she had told him and stretched the truth to make her appear to have a delusional disorder. Respondent states that Dr. Covert took her responses out of context. Additionally, Respondent states that she has spoken with two other doctors (Dr. Mumtaz and Dr. Ruth Netscher) who have concluded that she is depressed, but not delusional.

9. On or about August 31, 2007, while employed as a Registered Nurse at the University of Texas Medical Branch, Galveston, Texas, Respondent may have lacked fitness to practice professional nursing in that she stated "my life f***ing sucks" and that "so many people want to see me fail." Additionally, Respondent stated that "they won't let me sleep." Furthermore, Respondent made the statement that "sometimes I wake up in the morning and I want to..." while moving her thumb across her neck. Respondent's condition may have prevented her from delivering safe nursing care.
10. On or about September 9, 2007, while employed as a Registered Nurse at the University of Texas Medical Branch, Galveston, Texas, Respondent may have lacked fitness to practice professional nursing in that she stated that "people are following me and all the U.S. is trying to get me fired". Additionally, Respondent stated that "no one can get rid of them" and "the only way that I can get rid of these people is that I have to die." Furthermore, Respondent had stated that she had placed tape over her food container in the refrigerator and someone removed it and that is why she became sick. Respondent's condition may have prevented her from delivering safe nursing care.
11. On or about September 12, 2007, while employed as a Registered Nurse at the University of Texas Medical Branch, Galveston, Texas, Respondent may have lacked fitness to practice professional nursing in that she stated that "they" have broken into her apartment through a windowpane glass and sprinkled some powdery substance on her floor which made her numb. Additionally, Respondent stated that she had trouble sleeping because "people are bothering me". Respondent's condition may have prevented her from delivering safe nursing care.
12. In response to Finding of Fact Numbers Nine (9) through Eleven (11), Respondent states that the statements that were quoted are not completely accurate and were made casually to a co-worker. Respondent states that she daily joked, kidded with, and at times, used exaggerated sarcastic humor with this particular co-worker and states that at no time was she seriously stating any intention of taking her life. Respondent states that this is a misunderstanding of her expression of frustration about sleeplessness related to disturbances at her apartment complex. Respondent states that this situation did not affect her work performance and there were no incidents of patient complaints or incidents of nursing malpractice.
13. On or about September 21, 2007, Respondent may have lacked fitness to practice professional nursing in that while undergoing a psychiatric evaluation conducted by Mumtaz Suleman, M.D., P.A., Webster, Texas, Respondent was diagnosed with major depression (moderate) with paranoia. Additionally, Dr. Suleman stated that Respondent was not stable and that working as a nurse could potentially be harmful to the patients and for the people who she provides care to. Furthermore, Dr. Suleman states that intense out-patient therapy could be beneficial and recommended that Respondent be re-evaluated. Respondent's condition may have prevented her from delivering safe nursing care.

14. In response to Finding of Fact Number Thirteen (13), Respondent states that she had injured her shoulder transporting a patient to a different unit. Respondent states that when she was filing the requisite form with the Unit Manager, she was placed on an involuntary leave of absence without pay until a doctor verified her fitness to work. Respondent states that she did all that was required of her to keep her job, but that her progress was erroneously documented.

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 a violation of Section 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).
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 530411, heretofore issued to SARAH JANE LEVER, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 530411, previously issued to SARAH JANE LEVER, to practice professional nursing in Texas is hereby SUSPENDED, and said suspension is enforced until Respondent completes a forensic psychological evaluation performed by a Board certified psychiatrist or a clinical psychologist approved by the Board.

IT IS FURTHER ORDERED that Permanent Certificate Number 530411 previously issued to SARAH JANE LEVER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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 and ORDERED that RESPONDENT SHALL undergo a psychological evaluation. The evaluation shall be performed by a Board certified psychiatrist or a clinical psychologist approved by the Board. The evaluation shall be completed within ninety (90) days from the date of this Order. RESPONDENT SHALL CAUSE the performing psychiatrist or clinical psychologist to send a report of the evaluation to the Board office. The report shall include:

1. a description of the instruments used for evaluation and the results of the evaluation;
2. a statement as to the RESPONDENT's fitness to safely practice professional nursing; and
3. recommendations for therapy or other follow-up.

RESPONDENT SHALL comply with the recommendations for therapy or other follow-up. If the results of the evaluation reveal further violations of the Nursing Practice Act, further disciplinary action may be taken, including revocation of Respondent's license to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, upon verification of successful completion of the psychological evaluation performed by a Board certified psychiatrist or a clinical psychologist which

indicates that you are safe to resume practice, the Suspension will be stayed, and Respondent will be placed on PROBATION for a period of two (2) years with the following agreed terms of probation:

(1) RESPONDENT SHALL 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.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses

stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/about/stipscourses.html>

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(8) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT

is dismissed from therapy.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

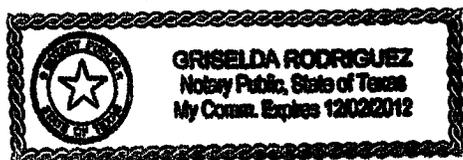
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of February, 2009.

Sarah Jane Lever
SARAH JANE LEVER, Respondent

Sworn to and subscribed before me this 10 day of February, 2009.

SEAL



Griselda Rodriguez
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of February, 2009, by SARAH JANE LEVER, Registered Nurse License Number 530411, and said Order is final.

Effective this 10th day of March, 2009.



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