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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of License Number 752312	§	AGREED
issued to NICOLE SABRINA SEARS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of NICOLE SABRINA SEARS, License Number 752312, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 20, 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 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 a Baccalaureate Degree in Nursing from Hampton University, Hampton, Virginia on December 15, 2007. Respondent was licensed to practice professional nursing in the State of Texas on March 5, 2008.

5. Respondent's professional nursing employment history includes:

03/08 - present	RN	The Oaks Treatment Center Austin, Texas
10/08 - 06/09	RN	Austin State Hospital Austin, Texas

Respondent's professional nursing employment history continued:

06/09 - present	RN	A-Med Home Health Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Austin State Hospital, Austin, Texas, and had been in this position for seven (7) months.

7. On or about May 23, 2009, while employed as a Registered Nurse at the Austin State Hospital, Austin, Texas, Respondent physically abused Patient Identification Number 212509 by chasing him around, swinging her arms at him, and striking him. Respondent's conduct was likely to injure the patient in that it unnecessarily exposed the patient to risk of further abuse or injury and/or emotional harm.

8. In response to Finding of Fact Number Seven (7), Respondent stated that without provocation, the patient yelled at Respondent and punched her on the left side of her face, causing her glasses to break. Respondent tried to restrain the patient to prevent further harm to herself and others, but the patient then kicked Respondent in the stomach. The patient was moved into a hallway, and Respondent walked over to the patient and tapped him with her finger stating that "You had no right to hit me the way you did, you are not to hit staff."

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(M), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(F).

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 752312, heretofore issued to NICOLE SABRINA SEARS, 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 RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure 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, 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 that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) Should RESPONDENT desire to return to a clinical practice setting which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval. RESPONDENT shall not petition the Board for such approval until: at least one (1) year has elapsed from the date of this Order. Further, RESPONDENT shall be required to satisfy all then existing requirements for approval.

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CONTINUED ON NEXT PAGE.

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. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of October, 2009.

Nicole S. Sears RN

NICOLE SABRINA SEARS, Respondent

Sworn to and subscribed before me this 30 day of October, 2009.

SEAL

Esmeralda Vasquez

Notary Public in and for the State of TEXAS

ESMERALDA VASQUEZ
Notary Public, State of Texas
My Commission Expires
10-14-2013

Approved as to form and substance.

Joel B Bennett

JOEL B. BENNETT, Attorney for Respondent

Signed this 30th day of October, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of October, 2009, by NICOLE SABRINA SEARS, License Number 752312, and said Order is final.

Effective this 8th day of Dec., 2009.

Katherine A. Thomas

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