BEFORE THE TEXAS BOARD OF NURSING

****

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

In the Matter of Registered Nurse License Number 700480 issued to STARR I. NELSON §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 700480, issued to STARR I. NELSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Baccalaureate Degree in Nursing from Mohawk College, Hamilton, Ontario, Canada on May 23, 1999. Respondent was licensed to practice professional nursing in the State of Texas on September 17, 2003.

4. Respondent's complete nursing employment history is unknown.

5. Formal Charges were filed on November 10, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.

6. Formal Charges were mailed to Respondent on November 15, 2010.

7. On January 21, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated January 21, 2011, is attached and incorporated herein by reference as part of this Order.

8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

9. 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.

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 of Section 301.452(b)(8), Texas Occupations Code.

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 700480, heretofore issued to STARR I. NELSON, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

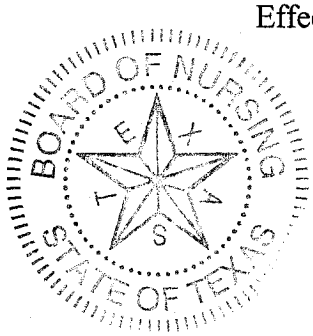
1. RESPONDENT SHALL NOT practice professional nursing, use the title of Registered Nurse or the abbreviation RN or wear any insignia identifying herself as a Registered Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered Nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and 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.

Effective this 2nd day of February, 2011.



TEXAS BOARD OF NURSING

By: _____

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

Smelser, James

From: Starr Nelson [citizen120453@hotmail.com]
Sent: Friday, January 21, 2011 11:55 AM
To: Smelser, James
Subject: Voluntary Surrender Statement
Attachments: VolSurr.bmp

Dear Mr. Smelser,

Attached you will find my signed Voluntary Surrender Statement for Texas Nursing License # 700480. I will forward the original to you in the mail. Could you please let me know you have received this email. Thank you for your patience.

Starr Nelsopn

Starr I. Nelson
Ankriston Villa RR #3
Shelburne NS B0T 1 W0, Canada
Texas RN License #700480

Voluntary Surrender Statement

December 10, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Starr Nelson

Date January 20, 2011

Texas Nursing License Number/s 700480

The State of Texas

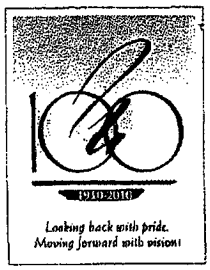
Before me, the undersigned authority, on this date personally appeared Starr I. Nelson who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the _____ day of _____, 20____.

SEAL

_____
Notary Public in and for the _____

[redacted]



Via Registered Mail/Confidential

July 17, 2009

Mr. James S. Smelser
Texas Board of Nursing
333 Guadalupe Street
Ste. 3-460
Austin, Texas 78701

Dear Mr. Smelser:

Further to your written request to Paula Prendergast, I am enclosing a copy of a decision made by the Complaints Committee on July 15, 2009 regarding Starr Iola Nelson, Texas License #700480.

If you require additional information, please contact me at 491-9744, Extension 241.

Yours sincerely,

Suzanne L Kennedy

Suzanne L. Kennedy, LLB, RN
Professional Conduct Consultant
SK/kb
Enclosure
RT 066 791 083 CA

COPY

COLLEGE OF REGISTERED NURSES OF NOVA SCOTIA
DECISION OF THE COMPLAINTS COMMITTEE

NAME: **Starr Iola Nelson** **REGISTRATION # 23240**

ACTION TAKEN:

- ☐ Dismiss
- ☐ Counsel the respondent
- ☐ Caution the respondent
- ☐ Counsel and caution the respondent
- ☐ With consent, Respondent receives a reprimand
- ☑ Refer to the Professional Conduct Committee
- ☐ Informally resolve the complaint
- ☑ Continue suspension from practice

Lorna M Khan RN

Lorna M. Khan, RN
Chairperson, Complaints Committee

Date: July 15, 2009

COLLEGE OF REGISTERED NURSES OF NOVA SCOTIA

DECISION OF THE COMPLAINTS COMMITTEE

The Complaints Committee reconvened via teleconference on July 6, 2009 to continue their consideration of the September 24, 2008 complaint laid by Dr. James Rafferty, MD, North Queens Health Centre, R.R. #1 Caledonia, NS against Starr Iola Nelson, RN. The members of the Complaints Committee were: Lorna M. Khan, Registered Nurse, Chairperson; and Fred Beaton, Public Representative. CRNNS staff, Suzanne Kennedy, Professional Conduct Consultant, was also in attendance at the Complaints Committee meeting. The Complaints Committee had previously met by teleconference on September 25, 2008 and directed the Executive Director to suspend Ms. Nelson's licence to practise nursing until the suspension was lifted, superseded or annulled by the Complaints Committee or the Professional Conduct Committee as the case may be.

The letter of complaint against Starr Nelson, RN indicated that she was a nurse practitioner student in the Athabasca Advanced Nursing Practice Nurse Program. In August 2008, Ms. Nelson had entered into a clinical preceptorship with Dr. James Rafferty and Renate Bennett, NP at the North Queens Health Centre in Nova Scotia. The letter of complaint alleged that on or about September 10, 2008, Ms. Nelson was in a "state of drunkedness" and had engaged in "out of control binge drinking." Dr. Rafferty stated that when confronted, Ms. Nelson admitted that she has long-standing problems with alcohol.

During the investigation of the complaint, Dr. Rafferty and Ms. Bennett also identified some concerns regarding Ms. Nelson's ability to practise competently and independently as a NP. There was also information provided by Kimberly LaMarche, Manager of the Advanced Nursing Practice Program at Athabasca University who stated that when she received a copy of Ms. Nelson's 2006 CRNNS nursing licence (on January 31, 2006), there was a black mark on her licence in the area where the licence was supposed to read "conditions – see attached." Ms. LaMarche said that Ms. Nelson never disclosed that she had condition(s) on her licence.

Information provided by CRNNS indicates that there was a previous complaint against Ms. Nelson in 2003 where she had been intoxicated while in a nurse practitioner clinical experience in another NP program. That complaint was investigated and on April 24, 2004 a Professional Conduct Committee accepted a settlement proposal whereby Ms. Nelson admitted to suffering from an alcohol dependency disorder. In that settlement proposal, Ms. Nelson agreed to the imposition of a number of conditions and restrictions on her licence to practise nursing. On July 23, 2006, all the conditions and restrictions were removed from Ms. Nelson's licence with the exception of her Undertaking to "refrain from the consumption of alcohol." Then on September 11, 2007, while the Undertaking remained in place, reference to the Undertaking was removed from Ms. Nelson's licence.

The issues identified from the above information were whether Ms. Nelson:

1. Breached the Undertaking on her licence with respect to consumption of alcohol;
2. Continues to suffer from an addiction to alcohol which renders her unfit to practice nursing; and/or
3. Altered her licence to remove the words "conditions – see attached" when she made application to the nurse practitioner program at Athabasca University in early 2006.

In her response, Ms. Nelson:

- admitted that she has been drinking on her own time but said that she never went to the clinic while she was intoxicated or with the smell of alcohol on her breath. She said that this was not a breach of her Undertaking.
- denied the version of events that occurred on September 10, 2008 as described by others.
- could not explain the black out on her licence. She said that no one at Athabasca or the clinic asked her if she had any conditions on her licence.
- explained her perspective regarding the incidents that occurred that led to the concerns about her ability to practice competently.
- stated that she had seen an addictions counselor on 3 or 4 occasions since the incidents occurred in September but she had not undergone any other type of treatment or therapy aimed at recovery for her alcoholism.

Following completion of the investigation, the Complaints Committee met on May 4, 2009 to consider the matter. In their written decision of May 11, 2009, the Committee continued the suspension of Ms. Nelson's licence and, pursuant to section 58(2)(a) of the ***RN Regulations,*** directed Ms. Nelson to submit to an addictions assessment.

On May 25 and 26, 2009, Ms. Nelson underwent the addictions assessment with assessor Mary McGrath, Registered Psychologist. In her June 7, 2009 report, Ms. McGrath diagnosed Ms. Nelson with "alcohol dependence, with physiological dependence, early full remission." Ms. McGrath wrote that, according to the *Gorski* Developmental Model of Recovery, Ms. Nelson appeared to be in Early Recovery stage and according to the Stages of Change Model, she was "in the beginning of the action stage." With respect to the Maintenance stage of recovery, Ms. McGrath stated that, "Ms. Nelson will not be said to have reached Maintenance stage (where one consistently engages in behaviors that are incompatible with addiction) until she has maintained behavior change to prevent relapse and consolidate the gains attained during the action phase." Ms. McGrath noted that although Ms. Nelson "has participated in 2 structured treatment programs and many sessions with a therapist and addiction counselors, she still does not have a good understanding of why she has continued to drink to the point of jeopardizing her job and perhaps relationship." Ms. McGrath recommended that Ms. Nelson not go back to work until she has a significant period of solid sobriety and she has made sufficient progress in managing her personal stressors.

The Complaints Committee considered the information gathered in the preliminary investigation of the complaint, Ms. Nelson's written response, the previous verbal

presentations of Starr Nelson and Dr. James Rafferty and the June 7, 2009 addictions assessment report of Ms. McGrath.

Decision

After reviewing all the information, the Complaints Committee decided to continue the suspension of Starr Nelson's licence and also determined there was sufficient information to forward matters to the Professional Conduct Committee. Specifically, the Complaints Committee found the following allegations of potential incapacity and/or professional misconduct:

Allegation I

Starr Nelson suffers from an addiction to alcohol which rendered and/or renders her unsafe to practise nursing.

Allegation II

In or about September 2008, Starr Nelson breached the Undertaking on her CRNNS licence "to refrain from the consumption of alcohol.

Allegation II

In or about January 2006, Starr Nelson altered her CRNNS 2006 licence to remove the words "conditions – see attached" when she made application to the nurse practitioner program at Athabasca University.

The Complaints Committee directs that a copy of this decision be forwarded to the Respondent, Complainant, and Kimberley Lamarche, Centre for Nursing and Health Studies Athabasca University. The Committee also directs that a copy of this decision be sent to the nursing licensing authority in North Carolina and the Texas Board of Nursing.

Signed at Halifax, Nova Scotia this 15th day of July 2009.

Lorna M Khan RN

Lorna M. Khan, RN
Chairperson

Fred Beaton

Fred Beaton, Public Representative

Pamela B. Edwards, Ed.D, MSN, RN-BC, CNE
Chair
Deborah L. Jenkins, LPN
Vice-Chair
Julia L. George, RN, MSN, FRE
Executive Director

NC BOARD OF NURSING

P.O. Box 2129
Raleigh, North Carolina 27602
919.782.3211
FAX 919.781.9461
Nurse Aide II Registry 919.782.7499
www.ncbon.com

July 29, 2010

Texas Board of Nursing
Enforcement Department
Attention: Soraya Trammell, Administrative Assistant III
333 Guadalupe Street, Suite 3-460
Austin, Texas 78701

RE: Starr Williams Nelson, RN

Dear Ms. Trammell:

In response to your request of July 27, 2010, enclosed is a true copy of the disciplinary action taken against Ms. Nelson's RN license. This information is as follows:

1) Summary Action Order, dated October 8, 2009.

As custodian of the records, I certify that this information is true and accurate. If I can be of further assistance, please do not hesitate to call or write.

Sincerely,

Vicki Sferruzzo
Investigation/Monitoring Coordinator II
919-782-3211, Ext. 240
vicki@ncbon.com

VS/jh

State of North Carolina
County of Wake

Sworn to and subscribed before me
This is the 29th day of July 2010.

Melissa S. Meyer
Notary Public
My commission expires

MELISSA S. MEYER
NOTARY
My Comm. Exp.
5/17/2014
PUBLIC
WAKE COUNTY, NC

SEAL

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Starr Williams Nelson **SUMMARY ACTION ORDER**

Registered Nurse Certificate # 174896

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) issues the following Order based on action taken in the Provence of Nova Scotia.

1. Starr Iola Nelson is the holder of RN Certificate #174896 which expires on April 30, 2010.

2. The North Carolina Board of Nursing has received information from the College of Registered Nurses of Nova Scotia in Halifax, Nova Scotia, Canada that indicates Ms. Nelson's license to practice nursing in the Provence was indefinitely suspended on September 16, 2009. The suspension was based on the fact that a complaint was received against Ms. Nelson while she was a nurse practitioner student in the Athabasca Advanced Nursing Practice Nurse Program. In August 2008, Ms. Nelson entered into a clinical preceptorship at the North Queens Health Center in Nova Scotia. The letter of complaint alleged that on or about September 10, 2008, Ms. Nelson was in a "state of drunkedness" and had engaged in "out-of-control binge drinking." When Ms. Nelson was confronted, she admitted she had a long-standing problem with alcohol.

3. During the investigation, it was found that there was a previous complaint against Ms. Nelson in 2003 where she had been intoxicated while in a Nurse Practitioner clinical experience in another Nurse Practitioner program. In April 2004, the Professional Conduct Committee of the Board of Nursing entered into a settlement proposal with Ms. Nelson when she admitted to suffering from an alcohol dependency disorder. In that settlement proposal, Ms. Nelson agreed to the imposition of a number of conditions and restrictions on her license to practice nursing. On July 23, 2006, all the conditions and restrictions were removed from Ms. Nelson's license, with the exception that she was to "refrain from the consumption of alcohol." This final restriction was removed from her license on September 11, 2007.

4. On May 25 and 26, 2009, Ms. Nelson underwent an assessment with an addiction specialist who diagnosed Ms. Nelson with "alcohol dependence, with physiological dependence, early full remission." It was recommended that Ms. Nelson not go back to work until she has a significant period of solid sobriety and she has made sufficient progress in managing her personal stressors.

5. North Carolina General Statutes 90-171.37 and 21NCAC 36.0217(d) allows the North Carolina Board of Nursing to take **SUMMARY ACTION** against the licensee if a North Carolina licensee holds a license in another jurisdiction and receives action in that jurisdiction. The Board's policies allow for the North Carolina Board of Nursing to summarily impose the same or lesser disciplinary action on a licensee's license upon receipt of the discipline action in another

jurisdiction. Actions may be taken based on this policy if the Findings of Fact and the Final Order is found to be a violation of the North Carolina Nursing Practice Act.

6. Therefore, the North Carolina RN license of Starr Iola Nelson is hereby **Suspended**, and Ms. Nelson must immediately **Cease and Desist** from the practice of nursing in North Carolina.

7. In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before a majority of the members of the Board to determine why the Board should not take further action.

8. The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.

9. Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, Manager of Discipline Proceedings.

10. In the event the Board determines the Licensee has violated any of the conditions of this ORDER, and the Licensee disputes that such a violation of the conditions has occurred, then the Licensee agrees the Licensee must file such objection in writing with the Board **WITHIN TEN (10) BUSINESS DAYS** of the date of the notice of the violations to the Licensee. The notice to the Board shall contain with specificity the violations disputed.

11. When the Licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties. A Show Cause Hearing for a Summary Action is limited to:

    a) showing that you are the person who had the action taken in the Provence of Nova Scotia, Canada
    b) that the action, had it occurred in North Carolina, would also be a violation of our Nursing Practice Act
    c) that the sanction that was imposed is consistent with the sanction that would be imposed if the act had occurred in North Carolina.

12. If the licensee is not contesting the violations contained in this ORDER, the licensee may request to appear before the Licensure Committee to petition for reinstatement of the license.

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Starr Williams Nelson **SUMMARY ACTION ORDER**

Registered Nurse Certificate # 174896

13. If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) business days of the date of the notice of violations to Starr Williams Nelson. The notice must contain with specificity the violations being disputed.

14. When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

15. Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.

    The license will then remain suspended until the licensee requests in writing the opportunity to appear before the Licensure Committee to petition for reinstatement.

16. This ORDER to Suspend will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.

17. By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.

18. By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board.

    The licensee understands that a written objection with the specific violations/charges being disputed must be received within ten (10) business days of the date of this notice.

    When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

19. The licensee must immediately submit the license to the Board. Failure to submit the license within three (3) business days of this <u>ORDER</u> will result in the Board employing any and all measures to retrieve the license.

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Starr Williams Nelson **SUMMARY ACTION ORDER**

Registered Nurse Certificate # 174896

20. In accordance with G.S. 90-171.27(d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A Show Cause Hearing is considered a discipline action.

FAILURE TO RETURN THE ATTACHED PAGE WITHIN 10 BUSINESS DAYS WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE THE VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO WHICH THE LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.

This the 8th day of October, 2009

Julia L. George

Julia L. George, RN, MSN, FRE
Executive Director
North Carolina Board of Nursing

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the Matter Involving:

Starr Williams Nelson SUMMARY ACTION ORDER

Registered Nurse Certificate # 174896

Starr Iola Nelson

PLEASE RETURN THIS PAGE COMPLETED WITHIN 10 BUSINESS DAYS.

Initial the appropriate response, date and sign the document and return to Donna Mooney, RN, Manager of Discipline Proceedings

By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.

_____ I do not contest the information reported and I do not wish to have a "Show Cause" Hearing. I will be scheduled to appear before the Licensure Committee to petition for reinstatement.

By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing to be scheduled before a majority of the members of the Board.

The licensee understands that he/she must file a written objection with the specific violations/charges being disputed. The licensee understands the written objections must be received within ten (10) business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the license was suspended/revoked.

When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

_____ I am requesting a "Show Cause" Hearing, and I understand I must meet all conditions as outlined above.

_____
LICENSEE'S NAME

_____
DATE