

BEFORE 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

In the Matter of Vocational Nurse License Number 208116 § AGREED
issued to LESLIE NICHOLE SHIVERS § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 208116, issued to LESLIE NICHOLE SHIVERS, 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, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Hill College - JCBC, Cleburne, Texas, on December 15, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on January 18, 2007.
5. Respondent's vocational nursing employment history includes:

02/07 - 05/09	LVN	Community Hospice Burleson, TX
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Respondent's vocational nursing employment history (continued):

09/09 - 09/09	LVN	Alvarado Meadows Rehab Center Alvarado, TX
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10/09 - Present	Unknown	
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6. At the time of the initial incident, Respondent was a Licensed Vocational Nurse enrolled in the LVN - RN Transition Program at Weatherford College, Weatherford, Texas, and had been in enrolled since approximately February of 2007.
7. On or about February 20, 2009, while enrolled as a student in the Weatherford College LVN-RN Transition Program, Weatherford College, Weatherford, Texas, and while participating in a clinical shift at Plaza Medical Center, Fort Worth, Texas, Respondent lacked fitness to practice vocational nursing in that she was lethargic, swaying, belligerent, and argumentative. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states that she was tired because she did not get much sleep the two nights prior to her shift due to studying for tests and drafting care plans. Additionally, Respondent states that she had taken a Hydrocodone, which was prescribed, the night before.
9. On or about February 20, 2009, while enrolled as a student in the Weatherford College LVN-RN Transition Program, Weatherford College, Weatherford, Texas, and while participating in a clinical shift at Plaza Medical Center, Fort Worth, Texas, Respondent failed to take precautions to prevent the spread of infectious disease in that Respondent failed to remove her potentially contaminated gloves prior to coming into contact with surfaces in the cardiac catheterization lab after caring for a patient known to be infected with MRSA and VRE. Respondent's conduct was likely to injure the patient, fellow care givers, and the public in that she created an unsafe environment and may have unnecessarily exposed them to risk of infection.
10. In response to Finding of Fact Number Nine (9), Respondent states she felt that she used standard precaution. Respondent states that she was asked to put on a pair of gloves and push the patient's bed out in the hall. Respondent states that she never left the room with the gloves on. Respondent states that she grabbed a piece of wrapped candy out of a dish in the hallway and was also accused of contaminating the bowl of candy.

11. On or about May 22, 2009, while enrolled as a student in the Weatherford College LVN-RN Transition Program, Weatherford College, Weatherford, Texas, Respondent falsely represented herself as a Texas Peer Assistance Program for Nurses (TPAPN) Case Manager. Respondent's conduct was likely to deceive the personnel/staff of Weatherford College and misrepresented Texas Peer Assistance Program for Nurses.
12. On or about June 17, 2009, Respondent was arrested by the Joshua Police Department, Joshua, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on June 17, 2009).
13. On or about September 16, 2009, while employed as a Licensed Vocational Nurse at Alvarado Meadows, Alvarado, Texas, Respondent lacked fitness to practice vocational nursing in that she was lethargic, stumbling, had slurred speech, and had fallen asleep at the nurses' station. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
14. On or about September 16, 2009, while employed as a Licensed Vocational Nurse at Alvarado Meadows, Alvarado, Texas, Respondent misappropriated medication. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
15. On or about December 22, 2009, Respondent was arrested by the Burleson Police Department, Burleson, Texas, for DRIVING WHILE INTOXICATED (a Misdemeanor offense committed on December 22, 2009).
16. On or about August 4, 2010, Respondent entered a plea of Guilty to three (3) counts of OBTAIN A CONTROLLED SUBSTANCE BY FRAUD (3rd Degree Felonies committed on December 19, 2009), filed in the 249th Judicial District Court of Johnson County, Cleburne, Texas, under Cause No. F44214. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and was placed on Community Supervision for a period of six (6) years. Additionally, Respondent was ordered to enroll in the Hope Out program. Furthermore, Respondent was ordered to pay a fine and court costs.
17. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
18. 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.

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.

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)(3),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(O), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(5),(6)(G)&(H), (11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 208116, heretofore issued to LESLIE NICHOLE SHIVERS, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 208116, heretofore issued to LESLIE NICHOLE SHIVERS, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "Vocational Nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a Vocational Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Vocational 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 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 30th day of NOVEMBER, 2010.

Leslie Nichole Shivers
LESLIE NICHOLE SHIVERS, Respondent

Sworn to and subscribed before me this 30th day of NOVEMBER, 2010.



Renee Fandrich
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 the voluntary surrender of Vocational Nurse License Number 208116, previously issued to LESLIE NICHOLE SHIVERS.



Effective this 6th day of December, 2010.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas'.

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