BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 678264	§	
issued to EARL J. SHEFFIELD	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Registered Nurse License Number 678264, issued to EARL J. SHEFFIELD, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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(s).

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 an Associate Degree in Nursing from Wharton County Junior College, Wharton, Texas, on May 18, 2001. Respondent was licensed to practice professional nursing in the State of Texas on June 26, 2001.

5. Respondent's complete professional nursing employment history includes:

06/01-10/02	RN	Oak Ben Hospital Richmond, Texas

Respondent's complete professional nursing employment history includes(continued):

10/02-03/10	RN	Nacogdoches Medical Center Hospital Nacogdoches, Texas
2006-Present	RN	Ward Family Practice Anahuac, Texas

6. At the time of the initial incident as stated in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Nacogdoches Medical Center Hospital, Nacogdoches, Texas, and had been in this position for approximately one (1) year and ten (10) months.

7. On or about August 30, 2004, while employed as a Registered Nurse with Nacogdoches Medical Center, Nacogdoches, Texas, Respondent made inappropriate sexual comments to a patient under his care to include stating, "Yea, I could molest you and no one would ever know it. In fact, I could molest anyone down here and no one would ever know it." Respondent's conduct violated the professional nurse/client boundaries, which was likely to cause emotional harm to the patient.

8. In Response to Finding of Fact Number Seven (7), Respondent states the comments alleged were never uttered by him. Additionally, Respondent states on a typical day on the med/surg floor he was caring for six (6) to ten (10) patients, depending upon whether or not he was caring for a post operative open heart patient. Respondent states he has never stated, threatened, or spoken of molestation or rape of a patient and finds this very uncomfortable and offensive to think of doing.

9. At the time of the incident as stated in Findings of Fact Numbers Ten (10) and Twelve (12), Respondent was employed as a Registered Nurse with Nacogodoches Medical Center Hospital, Nacogdoches, Texas, and had been in this position for approximately seven (7) years and six (6) months.

10. On or about March 12, 2010, while employed as a Registered Nurse with Nacogdoches Medical Center, Nacogdoches, Texas, Respondent made sexually inappropriate comments to a patient under his care to include stating, "It will be my pleasure to remove your foley," "I will have fun taking your EKG leads off," "Are you going to take me upstairs and rape and molest me?" and "You will want to take me home with you." Respondent's conduct violated the professional nurse/client boundaries, which was likely to cause emotional harm to the patient.

11. In Response to Finding of Fact Number Ten (10), Respondent states the comments were never spoken by him.

12. On or about March 12, 2010, while employed as a Registered Nurse with Nacogdoches Medical Center, Nacogdoches, Texas, Respondent sexually exploited a patient in that he inappropriately touched the patient under his care to include rubbing the patient's bare back from her neck to her buttocks and rubbing/stroking the patient's hair. Respondent's conduct violated the professional nurse/client boundaries, which was likely to cause emotional harm to the patient.

13. Respondent underwent a Sexual Predator Evaluation on October 4, 2010, by Dr. Matthew L. Ferrara, Ph.D., Clinical and Forensic Psychologist. Dr. Ferrara states that two objective measures of response reliability found that the Respondent gave unreliable results when responding to written questions during this assessment process. When responding to questions about the Board allegations, Mr. Sheffield denied each allegation but it must be remembered that Mr. Sheffield showed a pattern of unreliable responses during this evaluation. Based upon the results of this evaluation, it is recommended that Mr. Sheffield not be allowed to work as a nurse.

14. Charges were filed on June 18, 2010.

15. Charges were mailed to Respondent on June 21, 2010.

16. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(B) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(D)&(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 678264, heretofore issued to EARL J. SHEFFIELD, including revocation of Respondent's license(s) 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.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 678264, heretofore issued to EARL J. SHEFFIELD, 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 professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself 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.

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 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 11th day of November, 2010.

EARL J. SHEFFIELD, Respondent

Sworn to and subscribed before me this 11 day of November, 2010.

SEAL

JEANNIE M. MIKEMAN
My Commission Expires
October 01, 2012

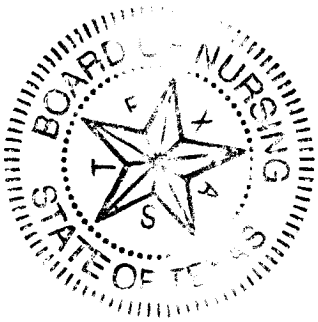
Notary Public in and for the State of Texas

Approved as to form and substance.

Mark Martyn, Attorney for Respondent

Signed this 15 day of November, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 678264, previously issued to EARL J. SHEFFIELD.



Effective this 30th day of November, 2010.

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