

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 747102
ISSUED TO
SHELLY LYNNE PEARSON

§
§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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. Pearson
Executive Director of the Board

ORDER OF THE BOARD

TO: Shelly Lynne Pearson
3716 S. Norwood
Independence, Missouri 64052

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 747102, previously issued to SHELLY LYNNE PEARSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER 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.

Entered this 9th day of November, 2010.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Shelly Lynne Pearson
3716 S. Norwood
Independence, Missouri 64052

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 747102, Issued to §
SHELLY LYNNE PEARSON, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHELLY LYNNE PEARSON, is a Registered Nurse holding license number 747102, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 20, 2008, while utilizing Respondent's multistate licensure compact privilege associated with her license to practice nursing in the State of Texas and employed with Nightingale Nurses, Boca Raton, Florida and on assignment with Lovelace Medical Center, Albuquerque, New Mexico, Respondent lacked fitness to practice nursing in that she was observed sobbing, nodding off and lethargic. 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13), Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE §217.12(5).

CHARGE II.

On or about May 20, 2008, while utilizing Respondent's multistate licensure compact privilege associated with her license to practice nursing in the State of Texas and employed with Nightingale Nurses, Boca Raton, Florida and on assignment with Lovelace Medical Center, Albuquerque, New Mexico, Respondent misappropriated Hydromorphone, Morphine, Oxycontin and Protonix from the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G)&(8).

CHARGE III.

On or about May 20, 2008, while utilizing Respondent's multistate licensure compact privilege associated with her license to practice nursing in the State of Texas and employed with Nightingale Nurses, Boca Raton, Florida and on assignment with Lovelace Medical Center, Albuquerque, New Mexico, Respondent engaged in the intemperate use of Morphine in that Respondent produced a specimen for a drug screen which resulted positive for Morphine. Possession of Morphine is prohibited by Article 31 NMSA 1978 (Controlled Substance Act, State of New Mexico). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(D)&(11)(B).

CHARGE IV.

On or about July 18, 2009, while holding a license to practice professional nursing in the State of Texas and employed by the John Muir Medical Center, Concord, California and practicing professional nursing in the State of California under a Temporary Registered Nursing License, Respondent was Denied Licensure by Endorsement by the Department of Consumer Affairs, Board of Registered Nursing, State of California, due to an investigation conducted by the John Muir Medical Center, Concord, California, wherein Respondent was terminated for drug diversion. A copy of the July 18, 2009, Denial Correspondence Document from the California Board of Registered Nursing, is attached and incorporated, by reference, as part of this pleading,

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

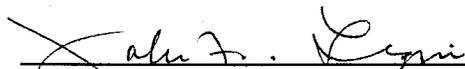
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 27th day of April, 20 10.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401



Ruth Ann Terry, MPH, RN, Executive Officer

July 18, 2008

SHELLY L. PEARSON
603 WOODBURY DRIVE
GRAIN VALLEY, MO 64029

Dear MS. PEARSON:

The California Board of Registered Nursing is denying your application for licensure by Endorsement as a registered nurse pursuant to Sections 480(a)(1), 480(a)(2), 480(a)(3), 2761(a), 2761(f), 2762(b), and 2762(c) of the Business and Professions Code. This denial is based upon your contract termination from John Muir Medical Center, Concord Campus for suspicion of drug diversion based on behavior and large amount of narcotics removed from Pyxis Med Station that were not documented as administered to patients. This complaint was substantiated by investigation. These acts are considered to be substantially related to the practice of nursing and would constitute grounds for revocation or suspension of a license if done by a licensed nurse. Sufficient time has not passed since your sobriety date for the Board to determine rehabilitation.

You have the right to appeal this decision and to have a formal hearing under the provisions of Section 485 (b) of the Business and Professions Code. Such an appeal must be submitted in writing to this office within 60 days of this notice otherwise your right to a hearing is waived.

Should you appeal and the denial is upheld, the earliest date for a reapplication would be one year from the date of the decision. At such time reapplication is made, all competent evidence of rehabilitation will be considered. (Enclosed is a copy of the Board's criteria for rehabilitation.) If you select not to appeal this denial, the earliest date on which reapplication for licensure can be made is one year from the date of this letter.

As an alternative to a formal hearing, it may be possible to reach an agreement with the Board. Under such an agreement or stipulation, the Board would issue a license on a revoked status. The revocation would be stayed (i.e. held up) and you would be placed on probationary status in California.

A representative of the California Attorney General's office would work with you and the Board to draft the specifics of a proposed stipulated agreement, which would then be subject to approval by the Board. If you appeal the denial, you may state your interest in pursuing a stipulation as an alternative to a formal hearing.

If you have any questions, please contact Marci White in writing at the above address.

Sincerely,



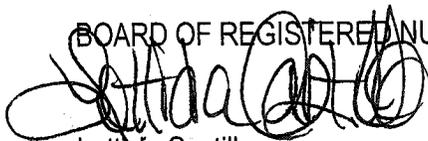
RUTH ANN TERRY, MPH, RN
EXECUTIVE OFFICER

Encl.
RT:mw

This certifies that this is a true and correct copy of records on file in this office pertaining to:

SHELLY LYNN PEARSON

BOARD OF REGISTERED NURSING,



Leticia Castillo
Enforcement Program