

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 697744
ISSUED TO
SHANNON DIONNE GASH

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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. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Shannon Dionne Gash
9600 Coit Road #2217
Plano, Texas 75025

During open meeting held in Austin, Texas, on August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 § 213.2(j)). All parties have a right to judicial review of this Order.

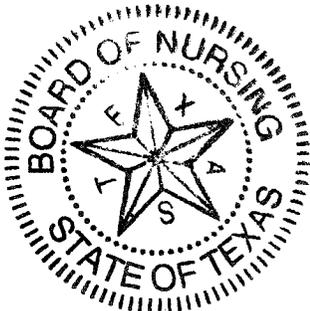
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 697744, previously issued to SHANNON DIONNE GASH, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 697744, previously issued to SHANNON DIONNE GASH, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 17th day of August, 2010.



TEXAS BOARD OF NURSING

BY:

KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 697744
Issued to SHANNON DIONNE GASH
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of August, 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):

Shannon Dionne Gash
6900 Coit Rd. # 2217
Plano, Texas 75025

BY:



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

In the Matter of Permanent License
Number 697744, Issued to
SHANNON DIONNE GASH, Respondent

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHANNON DIONNE GASH, is a Registered Nurse holding license number 697744, which is in current 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 February 19, 2010, while employed as a Registered Nurse with Gardendale Hospice, Dallas, Texas, Respondent engaged in the intemperate use of Alcohol and Propoxyphene in that Respondent produced a specimen requested by the Texas Peer Assistance Program for Nurses (TPAPN) that resulted positive for Alcohol and Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Alcohol and Propoxyphene 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.12(1)(A),(E),(4),(5),(10)(A)&(11)(B).

CHARGE II.

On or about February 19, 2010, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on March 23, 2009. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract. Stipulation number three (3) of the Order dated March 23, 2009, states:

"(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

On March 10, 2010, Respondent was dismissed from TPAPN and referred to the Board for non-compliance.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

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. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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, 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.

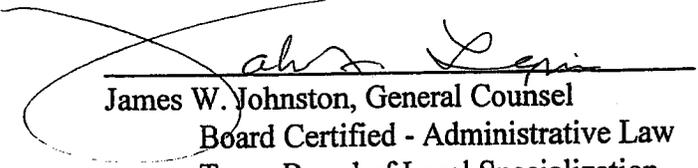
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 26, 2009.

Filed this 1st day of July, 2010.

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

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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

Attachments: Order of the Board dated March 26, 2009

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Respondent's professional nursing employment history continued:

09/2004 - 08/2007	RN	Nurse Staffing Dallas, Texas
12/2006 - 07/2007	RN	Baylor Regional Medical Center Plano, Texas
08/2007 - 01/2008	Employment History Unknown	
01/2008 - 10/2008	RN	Denton Heart Group Denton, Texas
10/2008 - Present	Employment History Unknown	

6. On or about February 6, 2007 through August 10, 2007, while employed as a Registered Nurse with Nurse Staffing, Dallas, Texas, and assigned at Trinity Medical Center, Carrollton, Texas, Respondent misappropriated narcotics from the Trinity Medical Center, Carrollton, Texas, and patients thereof, and admitted to taking Dilaudid for her personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
7. On or about March 1, 2007 through July 25, 2007, while employed as a Registered Nurse with Baylor Regional Medical Center, Plano, Texas, Respondent withdrew Hydromorphone from the Medication Dispensing System (Omniceil) without valid physicians' orders. Respondent's conduct was likely to injure the patient in that the administration of Hydromorphone without valid physicians' orders could result in the patient suffering from adverse reactions.
8. On or about March 1, 2007 through July 25, 2007, while employed as a Registered Nurse with Baylor Regional Medical Center, Plano, Texas, Respondent withdrew Hydromorphone from the Medication Dispensing System (Omniceil) but failed to document, or accurately document the administration of the medications in the patients Medication Administration Record (MAR) and/or nurses notes. Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.
9. On or about March 1, 2007 through July 25, 2007, while employed as a Registered Nurse with Baylor Regional Medical Center, Plano, Texas, Respondent misappropriated Hydromorphone from the Baylor Regional Medical Center and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

10. On or about October 25, 2007, while employed as a Registered Nurse with Pain Care Specialists, Las Colinas, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate and/or unlawful use of Propoxyphene in that she submitted a specimen for a drug screen which resulted positive for Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene 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.
11. On or about October 25, 2007, while employed as a Registered Nurse with Pain Care Specialists, Las Colinas, Texas, Respondent misappropriated Darvocet belonging to another employee. Respondent's conduct was likely to defraud the employee of the cost of the medications.
12. On or about February 28, 2008, April 9, 2008 and June 17, 2008, while employed as a Registered Nurse with Denton Heart Group, Denton, Texas, while participating in TPAPN, Respondent submitted three (3) urine drug screens at the request of TPAPN, which were dilute.
13. On or about June 25, 2008 while employed as a Registered Nurse with Denton Heart Group, Denton, Texas, and participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a drug screen which resulted positive for Alcohol. The use of Alcohol 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.
14. On or about August 8, 2008 through October 8, 2008, while employed as Registered Nurse with Denton Heart Group, Denton, Texas, Respondent passed fraudulent written prescriptions for Hydrocodone, Vicoprofen, and Darvocet to CVS Pharmacy, Denton, Texas. Subsequently, Respondent admitted to submitting the prescriptions and picking them up from the pharmacy. Respondent's conduct was likely to defraud the pharmacy and possession of Hydrocodone, Vicoprofen and Darvocet through use of a fraudulent written prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
15. On or about October 24, 2008, Respondent was arrested by the Denton Police Department, Denton, Texas, for FRAUDULENT POSSESSION OF A CONTROLLED SUBSTANCE/PRESCRIPTION SCH II/III (a state jail felony offense).

16. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. 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.
18. In response to Findings of Fact Numbers Six (6) through Fifteen (15), Respondent states that she would like to acknowledge that all the allegations are in fact true statements. Respondent states that she suffered from addiction to prescription medications and alcohol.
19. Respondent's conduct described in Finding of Fact Numbers Six (6) through Fifteen (15) resulted from Respondent's impairment by dependency on chemicals.
20. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(9)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(D), and 22 TEX. ADMIN. CODE §217.12(4),(5),(6)(G),(8),(10)(A),(B),(D),(E),(11)(B)&(13).
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 697744, heretofore issued to SHANNON DIONNE GASH, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the

following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to , to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense as outlined in Finding of Fact Number Fifteen (15), said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 privileges, if any, to practice nursing in the State of Texas.

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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure 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 violation alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23rd day of MARCH, 2009

Shannon Dionne Gash
SHANNON DIONNE GASH, Respondent

Sworn to and subscribed before me this 23rd day of MARCH, 2009

SEAL

Yvonne G
Notary Public in and for the State of TEXAS.

State Of Texas
County Of Harris



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, SHANNON DIONNE GASH does hereby accept and enter the Agreed Order that was signed on the 23rd day of March, 2009, by , Registered Nurse License Number 697744, and said Order is final.

Entered and effective this 26th day of March, 2009.




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