

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 117690
ISSUED TO
SHONA KAY BURRAGE

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§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



Patricia Thomas
Executive Director of the Board

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.

ORDER OF THE BOARD

TO: Shona Kay Burrage
20926 Lazy Creek Drive
New Caney, Texas 77357

During open meeting held in Austin, Texas, on Tuesday, March 23, 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 vocational 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 117690, previously issued to SHONA KAY BURRAGE, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 117690, previously issued to SHONA KAY BURRAGE, 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 vocational nursing in the State of Texas.

Entered this 23rd day of March, 2010.



TEXAS BOARD OF NURSING

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

Re: Permanent Certificate Number 117690
Issued to SHONA KAY BURRAGE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 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):

Shona Kay Burrage
20926 Lazy Creek Drive
New Caney, Texas 77357

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 117690, Issued to §
SHONA KAY BURRAGE, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHONA KAY BURRAGE, is a Vocational Nurse holding license number 117690, 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 28, 2009, Respondent became non-compliant with the Reinstatement Agreed Order issued to her by the Texas Board of Nursing on December 21, 2007. Non-compliance is the result of her failure to comply with the Texas Peer Assistance Program for Nurses' (TPAPN) return to work agreement. Stipulation number four (4) of the Agreed Order dated December 21, 2007, states:

"PETITIONER SHALL comply with all the requirements of the TPAPN contract during its term."

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated December 21, 2007, 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)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9).

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 § 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.

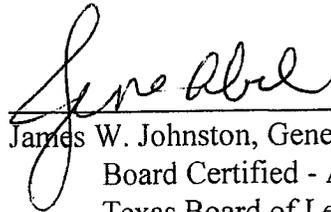
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 2, 2003; Agreed Order dated December 21, 2007.

Filed this 20th day of January, 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

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

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 December 2, 2003
Order of the Board dated December 21, 2007

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 117690	§	
issued to SHONA KAY BURRAGE	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 117690, held by SHONA KAY BURRAGE, hereinafter referred to as Petitioner.

An informal conference was held on October 2, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Rachel Gomez, LVN, Board Member; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Mike Abul-Saud, RN, Investigator; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Kingwood College, Kingwood, Texas, on December 19, 1986. Petitioner was originally licensed to practice vocational nursing in the State of Texas on May 20, 1987.

4. Petitioner's vocational nursing employment history included:

June 1987 - Nov 1987	LVN Floor Nurse	Northeast Medical Center Hospital Humble, Texas
Dec 1987 - Sep 1989	LVN Office Nurse	Office of Dr. E.L. McCoig Houston, Texas
Oct 1989 - May 1996	LVN Field Nurse	Physician Visiting Nurse Humble, Texas
May 1996 - June 1997	LVN Field Nurse	Meridian Home Health Humble, Texas
July 1997 - July 1998	LVN Field Nurse	Columbia Home Care Humble, Texas
August 1998 - June 1999	Unknown	
July 1999 - July 2003	LVN Field Nurse	Northeast Medical Association Humble, Texas
2003 - Present	Not employed in nursing	

5. On December 2, 2003, Petitioner voluntarily surrendered her license to practice vocational nursing in the State of Texas, and the license was subsequently revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the December 2, 2003, Order of the Board is attached and incorporated, by reference, as a part of this Order.
6. On or about May 25, 2007, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
- 7.1. Letter of support, dated January 25, 2006, from Kristin Wilson, Community Supervision Officer, Montgomery County Department of Community Supervision and Corrections Department, New Caney, Texas, states that Petitioner was placed on a three (3) year period of deferred adjudication community supervision on February 11, 2004, for the offense of Possession of Controlled Substance by Fraud. Petitioner

complied with the conditions of supervision and was an exemplary probationer. Ms. Wilson states that Petitioner submitted four (4) urine specimens to be tested for the presence of alcohol and drugs and all test results were negative for prohibited substances. Petitioner was granted early discharge from probation on November 1, 2005.

- 7.2. Letter of support, dated January 11, 2006, from Laurie Hiatt, LBSW, Social Worker, The Mission, New Caney, Texas, states that Petitioner began working at The Mission in March 2004 as a community service worker in helping the less fortunate in obtaining assistance with food and clothing. Petitioner is honest and trustworthy. Ms. Hiatt states that Petitioner continued to volunteer at the Mission after she completed her community service in August 2004. Ms. Hiatt recommends reinstatement of Petitioner's nursing license.
 - 7.3. Letter of support, dated January 24, 2006, from Mary L. Deason, Supervisor, Mission Northeast, New Caney, Texas, states that Petitioner worked for the Mission to complete community service and was placed in the position of managing the clothing warehouse. Petitioner did a wonderful job in managing a very busy department. Ms. Deason states that Petitioner is a compassionate person and she would be an asset to the nursing community.
 - 7.4. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives July 2003, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication.
3. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of SHONA KAY BURRAGE, Vocational Nurse License Number 117690, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational or professional nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to SHONA KAY BURRAGE, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(4) PETITIONER SHALL comply with all the requirements of the TPAPN contract during its term.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER 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 Petitioner's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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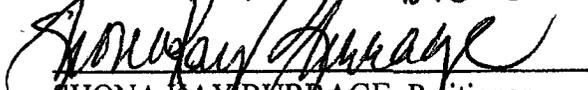
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PETITIONER'S CERTIFICATION

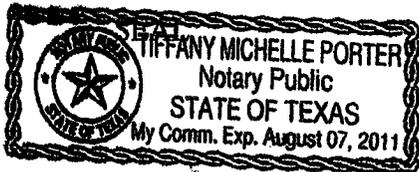
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

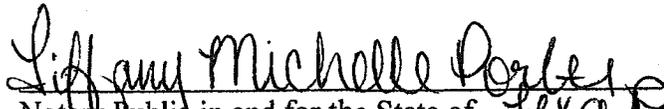
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of November, 2007.


SHONA KAY BURRAGE, Petitioner

Sworn to and subscribed before me this 21 day of November, 2007.




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 21st day of November, 2007, by SHONA KAY BURRAGE, Vocational Nurse, License Number 117690, and said Order is final.

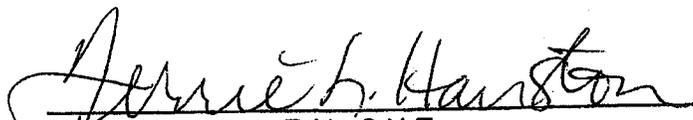
Effective this 21st day of December, 2007.


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

RE: SHONA KAY BURRAGE, LVN #117690
BOARD ORDER
PAGE 2

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby accept the Affidavit endorsed on the 15th day of August 2003, by SHONA KAY BURRAGE, LVN #117690, that the Board hereby ratifies and adopts the Final Order.

Effective this 2nd day of December, 2003.

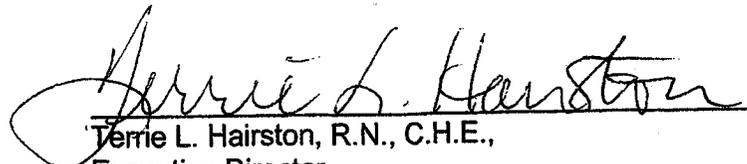

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

RE: SHONA KAY BURRAGE, LVN #117690
BOARD ORDER
PAGE 3

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

SHONA KAY BURRAGE
20926 LAZY CREEK DRIVE
NEW CANEY, TEXAS 77357


Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners

STATE OF TEXAS

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*

COUNTY OF

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared **SHONA BURRAGE, LVN # 117690**, who being by me duly sworn, deposes as follows:

My name is **SHONA BURRAGE, LVN # 117690**. I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a Licensed Vocational Nurse in the State of Texas and I am voluntarily surrendering my license to the Board of Vocational Nurse Examiners because I no longer desire to be licensed.

I understand that through this action the Board of Vocational Nurse Examiners may revoke my license without formal charges, notice, or a hearing.

I hereby waive my right to appeal or complain of any Order entered by the Board of Vocational Nurse Examiners accepting the voluntary surrender of my license.

Shona Burrage
Affiant

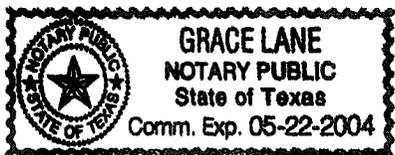
20926 Lazy Creek Dr.
Current Address

New Caney Tx 77357
City, State and Zip

281 / 399-8528
Telephone Number

SWORN TO AND SUBSCRIBED before me, the undersigned authority on the 15th day of August, 2003.

RECEIVED
AUG 21 2003
LVN



Grace Lane
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 05-22-04



BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

(512) 305-8100

AUGUST 6, 2003

SHONA BURRAGE
20926 LAZY CREEK DR
NEW CANEY, TX 77357

Dear Ms. Burrage:

This office is in receipt of information alleging that while employed as a Licensed Vocational Nurse at Dr. Janie Beauvais office, Humble, TX, from on or about January 2003 through about July 2003 you knowingly forged, altered, and falsified Vicodin prescriptions.

We have initiated an investigation into this matter to determine if you have violated any of the provisions of the Texas Occupations Code.

You are afforded this opportunity to respond to the allegations that have been made and to show that you have complied with all requirements of the law, i.e., the Texas Occupations Code, Chapter 302, for the retention of your license to practice vocational nursing in Texas. **You must respond in writing within thirty (30) days of receipt of this letter.**

We have enclosed Order Forms for a copy of the Texas Occupations Code and Rules and Regulations.

You may be interested in a provision of the Texas Occupations Code (302.410) for the Voluntary Surrender of a license. The return of the license along with your notarized statement that you no longer desire to be licensed will enable the Board to revoke your license without formal charges, notice or a hearing.

We are enclosing such an affidavit form for your consideration. To execute it, please sign the affidavit before a notary public and return it to the Board office, along with any vocational nursing license(s)/renewal form that you have in your possession.

One (1) year from the date the Board accepts the voluntary surrender, you may request a reinstatement hearing by submitting a letter to the Board office. You must be present at your reinstatement hearing, and the Board will require that you provide evidence of Rehabilitation/fitness to practice vocational nursing.

Thank you for your attention. If you have any questions concerning this matter, please contact the undersigned at the following extension: (512) 305-7651.

Sincerely,

Ron W. Castillo
Investigator

RWC/mws

Enclosures: Voluntary Surrender Affidavit and

7002 0860 0007 8846 9908

PS Form 3800, April 2002	City, State, ZIP+4	SHONA BURRAGE 20926 LAZY CREEK DRIVE NEW CANEY, TX 77357	U.S. Postal Service CERTIFIED MAIL PERM Only No. 11
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