BOARD OF NURSING TEXAS
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

BEFORE THE TEXAS BOARD OF NURSING

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| | | |
|---|---|---|
| In the Matter of | § | AGREED |
| Registered Nurse License Number 704930 | § | |
| issued to ROBIN JANIELEE SHAW | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROBIN JANIELEE SHAW, Registered Nurse License Number 704930, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 19, 2016.

## FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 notice and hearing and agreed to the entry of this Order.

3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

4. Respondent received an Associate Degree in Nursing from Los Angeles Pierce College, Woodland Hills, California on June 15, 1990. Respondent was licensed to practice professional nursing in the State of Texas on May 12, 2004.

5. Respondent's nursing employment history includes:

| | |
|---|---|
| 6/04-7/04 | Unknown |

Respondent's nursing employment history continued:

| | | |
|---|---|---|
| 8/04-10/07 | RN | Memorial Hermann Southwest Hospital<br>Houston, Texas |
| 11/07-12/09 | Unknown | |
| 1/10-10/13 | RN | Kindred Bay Area Hospital<br>Pasadena, Texas |
| 11/13-10/14 | RN | Cornerstone Hospital<br>Bellaire, Texas |
| 11/14-Present | Unknown | |

6. On or about March 7, 1996, Respondent's license to practice professional nursing in the State of Nevada was issued an AGREEMENT FOR PROBATION by the Nevada State Board of Nursing. A copy of the Agreement for Probation, including the Terms and Conditions, dated March 7, 1996, is attached and incorporated, herein, by reference, as part of this Order.

7. On or about November 3, 2003, Respondent's license to practice professional nursing in the State of Texas was issued an ELIGIBILITY AGREED ORDER by the Board. A copy of the Eligibility Agreed Order, including the Findings of Fact, Conclusions of Law and Order, dated November 3, 2003, is attached and incorporated, herein, by reference, as part of this Order.

8. On or about June 14, 2011, Respondent's license to practice professional nursing in the State of Texas was issued a sanction of WARNING WITH STIPULATIONS by the Board. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law and Order, dated June 14, 2011, is attached and incorporated, herein, by reference, as part of this Order.

9. On or about July 24, 2013, Respondent's license to practice professional nursing in the State of California was issued a DEFAULT DECISION AND ORDER by the California Board of Registered Nursing. A copy of the Default Decision and Order, including the Findings of Fact, Determination of Issues, and Order dated July 24, 2013, is attached and incorporated, herein, by reference, as part of this Order.

10. At the time of the initial incident, Respondent was employed as a Registered Nurse with Cornerstone Hospital, Bellaire, Texas, and had been in that position for eleven (11) months.

11. On or about October 20, 2014, while employed with Cornerstone Hospital, Bellaire, Texas Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior which included but was not limited to: slurred speech, and repeating herself

multiple times. 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.

12. On or about October 20, 2014, while employed with Cornerstone Hospital, Bellaire, Texas Respondent engaged in the intemperate use of methamphetamine in that she submitted a specimen for drug screening that resulted positive for methamphetamine. Unlawful possession of methamphetamine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of methamphetamine 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.

13. In response to Findings of Fact Number Eleven (11), Respondent states she had a loose tooth in the back of her mouth that was impeding her speech.

14. Formal Charges were filed on November 2, 2015.

15. Formal Charges were mailed to Respondent on November 9, 2015.

## 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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B), and 22 Tex. Admin. Code §217.12(1)(A),(1)(B),(4),(5),(10)(A),(10)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 704930, heretofore issued to ROBIN JANIELEE SHAW, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

## TERMS OF ORDER

### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.

A. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves a personal relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

B. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

C. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

D. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply 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 §§211.1 *et seq.*, and this Order.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education

course(s) **within one (1) year of entry of this Order**:

**A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

## IV. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license, which, at a minimum, shall include the remedial education courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Order had the license(s) not been placed in limited status.

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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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of Sept, 2016.

ROBIN JANELLE SHAW, Respondent

Sworn to and subscribed before me this 19th day of September 2016.

SEAL

C. ATKINS
My Commission Expires
February 14, 2018

Notary Public in and for the State of Texas

Approved as to form and substance.

MARC MEYER, Attorney for Respondent

Signed this 19th day of September, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing doesth hereby ratify and adopt the Agreed Order that was signed on the 19th day of September, 2016, by ROBIN JANIELEE SHAW, Registered Nurse License Number 704930, and said Order is final.

Effective this 27th day of October, 2016.

Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of Registered Nurse | § | AGREED |
| License Number 704930 | § | |
| issued to ROBIN JANIELLE SHAW | § | 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

An investigation by the Texas Board of Nursing, hereinafter referred to as the B produced evidence indicating that ROVIN JANIELLE SHAW, hereinafter referred to as Respon..., Registered Nurse License Number 704930, may have violated Section 301.452(b)(), Texas Occupations Code.

An informal conference was held on April 19, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Mary Beth Thomas, RN, PhD, Director of Nursing, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Erin Raesz, Investigator.

## FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

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 Los Angeles Pierce College, Woodland Hills, California, on June 15, 1990. Respondent was licensed to practice professional nursing in the State of Texas on May 12, 2004.

5. Respondent's professional nursing employment history includes:

| | | |
|---|---|---|
| 12/2004 - 2006 | RN | Memorial Hermann Southwest Hospital<br>Houston, Texas |

Respondent's professional nursing employment history continued:

| | | |
|---|---|---|
| 2006 - 2009 | RN | NC Staffing<br>Houston, Texas |
| 2009 - Present | RN | Kindred Hospital<br>Houston, Texas |

6. On October 12, 2003, Respondent was issued an Eligibility Agreed Order by the Board of Nurse Examiners for the State Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated October 12, 2003, is attached and incorporated, by reference, as part of this Order.

7. On or about November 16, 2009, Respondent engaged in the intemperate use of Oxazepam, in that she produced a specimen for a pre-employment drug screen that resulted positive for Oxazepam. The use of Oxazepam 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.

8. In response to Finding of Fact Number Seven(7), Respondent states: "I was undergoing a difficult period in my life during May to December 2009. I was unemployed from May 2009 and June 2009. In July, I worked enough for rent, utilities and storage. With little left over from tax returns, I was able to eat. August 2009 was more productive and I began to catch up with my bills. In September 2009, I had a major car repair bill of $1500. I was drawing unemployment during the fall of 2009 and was experiencing health problems. My future mother-in-law visited throughout the month of November during this stressful time. Due to the financial and economic stressors, I continued to experience health problems, including difficulty sleeping, gastro-intestinal symptoms, and stress symptoms. My future mother-in-law, had a legal prescription for Oxazepam and in November 2009, encouraged me to take a dosage of the medication so that I could sleep. I took the medication. About two days later, the I received a call to interview at Bayshore Medical Center. I attended the interview which resulted in the pre-employment screen results of November 16, 2009. I did not illegally purchase the Oxazepam. I used poor judgement at a time when I was needful of sleep and rest."

9. 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.

10. Formal Charges were filed on May 19, 2010.

11. Formal Charges were mailed to Respondent on May 20, 2010.

12. Respondent submitted verification of her successful completion of the Board approved course "Nursing Ethics/Jurisprudence" dated August 14, 2010, which would have been required under this Order.

13. Respondent submitted verification of her successful completion of the Board approved course "Sharpening Critical Thinking Skills" dated April 15, 2011, which would have been required under this Order.

## 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)(9),(10)(&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE§217.12(1)(A)&(E),(4),(5)&(10)(A).

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 704930, heretofore issued to ROBIN JANIELLE SHAW, including revocation of Respondent's license to practice professional nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply 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 §211.1 *et seq.* and this Order.

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.

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 nurse licensure compact 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 that:

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

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's

successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION**

**PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication,

dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For one (1) year, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

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|---|---|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random

drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 violation 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 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23RD day of May, 2011.

Robin Janielle Shaw

ROBIN JANIELLE SHAW, Respondent

Sworn to and subscribed before me this 23rd day of May, 2011.

SEAL

JO ANN PRICE
Notary Public, State of Texas
My Commission Expires
February 04, 2014

Notary Public in and for the State of Texas

Approved as to form and substance.

Nancy Ropel Willson, Attorney for Respondent

Signed this 23rd day of May, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of May, 2011, by ROBIN JANIELLE SHAW, Registered Nurse License Number 704930, and said Order is final.

Effective this 14th day of June, 2011.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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| | | |
|---|---|---|
| In the Matter of | § | ELIGIBILITY |
| ROBIN JANIELEE SHAW | § | |
| APPLICANT for Eligibility for Licensure | § | AGREED ORDER |

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by ROBIN JANIELEE SHAW, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on October 5, 2003, by Katherine A. Thomas, MN, RN, Executive Director.

## FINDINGS OF FACT

1. On or about August 4, 2003, Applicant submitted a Temporary License/Endorsement Application in compliance with Section 301.260 *et seq.*, Texas Occupations Code.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with an Associate Degree in Nursing from Pierce College, Los Angeles, California, in May 1990.

4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Ten (10), which reads as follows: "*Have you ever had disciplinary action taken against your license by any licensing/certifying authority in any country, state, province or territory?.*"

5. On March 7, 1996, Applicant was issued an Agreement for Probation (non-disciplinary) by the Nevada State Board of Nursing, requiring monitoring of Applicant's Nevada nursing license for five (5) years.

6. On October 4, 2001, Applicant satisfied all terms and conditions as set forth in the Agreement for Probation issued on March 7, 1996, by the Nevada State Board of Nursing.

7. The Board received letters of support/recommendation for Applicant from the following:

   - A letter of good character dated June 24, 2003, was submitted on behalf of Applicant by Shelly A. Hodge, CMA.

   - A letter of recommendation dated June 25, 2003, was submitted on behalf of Applicant by Dick Richards.

   - A letter of reference dated June 25, 2003, was submitted on behalf of Applicant by R. June Young, RN, ADON, Integrated Health Services, Las Vegas, Nevada.

   - A letter of reference dated July 7, 2003, was submitted on behalf of Applicant by Caroline Jurecki, Licensed Nurse, Integrated Health Services, Las Vegas, Nevada.

   - A letter of reference dated July 7, 2003, was submitted on behalf of Applicant by Dale R. Major, BSN, RN, Nurse Supervisor, Integrated Health Services, Las Vegas, Nevada.

8. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application her past behavior conforms to the Board's professional character requirements.

9. After considering the action taken by the Nevada State Board of Nursing along with Applicant's conduct since March 7, 1996, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

10. On October 5, 2003, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

11. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.

12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

13. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

## CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted a Temporary License/Endorsement Application in compliance with 301.260 *et seq.*, Texas Occupations Code.

3. The evidence in Finding of Fact Number Five (5) is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.

4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.

5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

## ORDER

IT IS THEREFORE AGREED that the application of ROBIN JANIELEE SHAW, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(4) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a Texas course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify APPLICANT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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## APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past disciplinary action and I have caused a complete and accurate disciplinary history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been disciplined. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

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 professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 3 day of November, 2003

Robin Janielee Shaw

ROBIN JANIELEE SHAW, APPLICANT

Sworn to and subscribed before me this 3rd day of November, 2003

SEAL

Devone DeSoto

Notary Public in and for the State of NV

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DEVONE DeSOTO
No: 02-74279-1
My Appointment Expires March 20, 2006

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 3rd day of November, 2003, by ROBIN JANIELEE SHAW, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this *12th* day of *November*, *2003*.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

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BEFORE THE NEVADA STATE BOARD OF NURSING

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| In the matter of | ) | |
| | ) | |
| ROBIN SHAW, RN | ) | AGREEMENT |
| | ) | FOR PROBATION |
| License Number 26334, | ) | (Nondisciplinary) |
| | ) | |
| RESPONDENT | ) | CASE NO. 0123-95C |

This AGREEMENT is hereby entered into between ROBIN SHAW (RESPONDENT) and the NEVADA STATE BOARD OF NURSING (BOARD), the PARTIES, herein.

1. RESPONDENT admits that the BOARD has jurisdiction over him/her with the legal power and authority to take disciplinary action upon him/her or otherwise informally settle the matter herein.

2. RESPONDENT is aware of, understands, and has been fully advised of the effect of this AGREEMENT. No coercion has been exerted upon the RESPONDENT. RESPONDENT has executed this AGREEMENT only after a careful reading of it and a full understanding of its terms. The RESPONDENT has had the benefit at all times of advice from competent counsel of his/her choice.

3. RESPONDENT understands the nature of the allegations under consideration by the BOARD. RESPONDENT freely admits that he/she is habitually intemperate and/or addicted to the use of a controlled substance, as defined in NAC 632.895(3). RESPONDENT acknowledges the conduct described in paragraph three (3) constitutes a violation of the Nevada Nurse Practice Act. (NRS and NAC 632) RESPONDENT further acknowledges that such admissions subject him/her to disciplinary action by the BOARD.

4. The BOARD is charged by Chapter 632 of the Nevada Revised Statutes with protecting the public safety and welfare. Untreated habitual intemperance and/or addiction to the use of a controlled substance represents a threat to public safety and welfare.

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5. The BOARD and RESPONDENT acknowledge that RESPONDENT self-reported his/her habitual intemperance and/or addiction to a controlled substance to the BOARD, voluntarily surrendered his/her license to practice nursing, and sought treatment for alcohol and/or chemical dependency. It is further acknowledged that RESPONDENT has complied with the terms of his/her Contract for Voluntary Surrender of License and has been recommended by the Disability Advisory Committee for nondisciplinary Conditional Licensure.

6. The BOARD and RESPONDENT acknowledge that while RESPONDENT does not constitute a present threat to the safety and welfare of the public, because he/she is engaged in a recognized recovery program and has not ingested alcohol or any controlled substance since commencing this program, he/she represents a potential threat to public safety and welfare. The BOARD, therefore, desires to discharge its duty to protect the public by requiring RESPONDENT to comply with certain terms and conditions placed on his/her practice of nursing as provided in this AGREEMENT.

7. The terms and conditions placed on the practice of RESPONDENT do not constitute discipline and, therefore, will not be reported on the BOARD'S list of disciplinary actions or to the National Council of State Boards of Nursing Disciplinary Data Bank.

8. Upon acceptance of this AGREEMENT by the PARTIES, herein, RESPONDENT will be issued a Conditional License to practice nursing in the State of Nevada subject to the requirements of this Agreement, and should the RESPONDENT leave the state the BOARD may report to other jurisdictions the contents of this Agreement.

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9. RESPONDENT understands that the BOARD is free to accept, amend, or reject this AGREEMENT. A formal disciplinary action may be commenced if this Agreement is rejected and agreement is not otherwise concluded and accepted by the Board.

10. Should formal disciplinary action commence, RESPONDENT is fully aware of his/her right to be noticed and to have a hearing before the Board on any and all charges and allegations in the matter. He/She is also fully aware of the following rights: representation by an attorney at his/her own expense, the right to confront and cross-examine witnesses called to testify against him/her, the right to secure and present evidence on his/her own behalf and to secure the compulsory attendance of witnesses, the right to testify on his/her own behalf, the right to reconsideration, appeal, or any other type of judicial review of this matter, and all other rights accorded to him/her by law. RESPONDENT agrees to waive the foregoing rights upon acceptance of this agreement by the Board.

11. Should this AGREEMENT be rejected by the BOARD, it is agreed that presentation to and consideration by the BOARD of such proposed AGREEMENT shall not disqualify the BOARD, or any of its members, from further participation, consideration, adjudication, or resolution of these proceedings. The RESPONDENT hereby agrees to waive any right that he/she might have to challenge the impartiality of the BOARD to hear any administrative complaint filed in a formal disciplinary action.

12. Should the RESPONDENT violate one or more of the terms of his/her conditional licensure or of this AGREEMENT, the BOARD may commence disciplinary action against his/her license to practice nursing, as appropriate, subject to notice and hearing on the limited issue of establishing that a violation has occurred. The failure of the BOARD to

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commence disciplinary action upon evidence of one or more violations of this Agreement does not constitute a waiver of the BOARD'S authority under statute or this Agreement to bring disciplinary action against RESPONDENT for any violation of this Agreement.

13. Should RESPONDENT commit an act or acts that independently would constitute violations of NRS chapter 632 or NAC chapter 632, the Board may commence an investigation of such actions and commence disciplinary proceedings as appropriate.

14. It is further agreed that should there be evidence that RESPONDENT has violated the terms or conditions of Conditional licensure under this AGREEMENT, RESPONDENT will voluntarily surrender his/her license upon notice of such violation, at the request of the Executive Director, and cease to practice nursing pending final determination of the violation by the BOARD.

Terms and Conditions

IT IS THEREFORE AGREED that in consideration of RESPONDENT'S compliance with recitals, terms, and conditions set forth in this AGREEMENT, the State Board of Nursing will not take disciplinary action against RESPONDENT.

SPECIFICALLY, IT IS AGREED that the license of RESPONDENT, ROBIN SHAW, will be monitored for a minimum period of five (5) years, said period being served only while RESPONDENT is employed in a capacity for which a nursing license is required and is subject to adequate supervision by the Board. During this period, RESPONDENT'S license will be monitored in accordance with the following terms and conditions:

1. RESPONDENT shall abstain from the use of alcohol and all mood altering drugs and controlled substances except when necessary for documented medical treatment. All other methods of alternative medical treatment must be tried and failure must be documented prior to the use of any mood-altering

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drugs. The use of mood altering drugs or controlled substances must be prescribed by a licensed medical practitioner who has been informed of RESPONDENT'S history of alcoholism and/or addiction and who is knowledgeable about the disease of addiction. Any treatment using such drugs or controlled substances must be reported to the BOARD, in writing, within seven (7) days, accompanied by the above-prescribed documentation.

2. RESPONDENT shall submit documentation to the BOARD of successful progress in an aftercare treatment program approved by the BOARD for a minimum of one (1) year after discharge from inpatient treatment. Such aftercare program shall at a minimum include weekly aftercare group support meetings and individual counselling. Such individual counselling shall occur not less than twice per month and shall be with a Board-approved Certified Substance Abuse Counselor or a Certified Chemical Dependency Nurse or other Board-approved treatment provider.

3. RESPONDENT shall have his/her aftercare counselor:

a. Submit progress reports related to the plan for rehabilitation every three (3) months; and
b. Identify at the completion of one (1) year of the aftercare program whether RESPONDENT needs to continue in the aftercare program or other counseling.

4. RESPONDENT shall attend no less than two (2) meetings per week of Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) throughout the term of this Agreement. RESPONDENT shall submit to the Board documentation of all meetings attended by him/her every three (3) months throughout the term of this Agreement.

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5. RESPONDENT shall cause his/her AA or NA sponsor to submit reports to the Board, on forms provided by the Board, commencing with the execution of this agreement. Thereafter, reports will be due every three (3) months for the remainder of this agreement. Sponsor's reports shall address the RESPONDENT'S progress in recovery.

6. RESPONDENT shall attend weekly meetings of a Board-approved Nurse Support Group during the entire period of this Agreement. RESPONDENT shall submit documentation to the Board every three (3) months of all meetings attended, commencing with the execution of this agreement. Variations in attendance must be approved in advance by the Associate Executive Director For Nursing Practice and the Disability Advisory Committee.

7. RESPONDENT shall submit to random urine, blood and/or breathalizer screens for drugs of abuse and/or alcohol if ordered by his/her employment supervisor or a representative of the Board. Such tests shall occur at least one time per month. RESPONDENT shall cause his/her physician to write a standing order for such tests at a Board-approved laboratory. A copy of the standing order will be provided to the Board. The specimens will be treated as forensic specimens. RESPONDENT shall cause the results of all such tests to be given to the Board. Any confirmed positive finding shall be reported immediately to the Board. Variations in the frequency of alcohol/drug screens must be approved in advance by the Associate Executive Director For Nursing Practice and the Disability Advisory Committee.

8. RESPONDENT shall submit an individual recovery plan within one month of the commencement of this agreement. Such plan shall identify in measurable behavioral terms RESPONDENT'S goals related to his/her recovery, methods of achieving those goals, and means of evaluating his/her progress toward achievement of his/her goals.

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9. RESPONDENT shall submit written reports every three (3) months during the term of this AGREEMENT. Such reports shall address his/her progress toward achieving the goals identified in his/her individual recovery plan; any changes or modifications to the plan, including rationale; his/her ability to handle stress; his/her mental and physical health; his/her current job duties and responsibilities; and his/her ability to practice nursing safely.

10. Respondent shall, in writing, notify the Board of, and prior to, any change of address.

11. RESPONDENT shall, during the first year of the term of this AGREEMENT, attend a minimum of one meeting of the Nevada State Board of Nursing during which disciplinary meetings are held. This does not include any meeting at which this Agreement is considered.

12. The BOARD shall approve all employment sites (changes in specialty and/or work site or unit, including changes within the same facility or under the same employer) requiring a nursing license prior to commencement of work. Approval is given through the Associate Executive Director For Nursing Practice and the Disability Advisory Committee. RESPONDENT is required to notify the Board in writing within seventy-two (72) hours after commencement or termination of any nursing employment. Any notification regarding termination shall contain a full explanation of the circumstances surrounding it.

13. RESPONDENT shall practice in accordance with the Nurse Practice Act and Board establish Standards of Practice. RESPONDENT shall obey all federal, state, and local laws, employer policies or contracts, and orders of the Board, pertaining to the practice of nursing in this State. Any and all violations shall be reported by the RESPONDENT to the Board in writing within

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seventy-two (72) hours. It is RESPONDENT'S responsibility to resolve any confusion regarding which laws pertain to nursing with the Executive Director.

14. RESPONDENT shall be employed in a setting in which direction is provided by a registered nurse. Direction shall mean: the intermittent observation, guidance and evaluation of the nursing practice of another by a licensed registered professional nurse who may only occasionally be physically present; the degree of direction needed shall be determined by an evaluation of the patient care situation, and the demonstrated proficiency of the RESPONDENT.

15. RESPONDENT shall provide a copy of this AGREEMENT to his/her employer and immediate supervisor and to each additional or subsequent employer and immediate supervisor during the term of this AGREEMENT.

16. RESPONDENT shall cause his/her nursing supervisor, the person who is directly responsible for everyday supervision of the RESPONDENT, to submit a written report prior to the commencement of the work assignment or employment. This report shall set forth:

a. Name and address of employer and name of immediate supervisor;
b. Duties and responsibilities to be carried out by RESPONDENT in the particular work assignment;
c. Acknowledgement from the supervisor that this Settlement Agreement has been read, that the role of the supervisor is understood, and that the supervisor agrees to participate in the terms and conditions of conditional licensure as outlined in this Agreement.

17. RESPONDENT shall cause his/her nursing supervisor to submit a report to the BOARD addressing work attendance, reliability, ability to carry out assigned tasks, ability to handle stress (changes in behavior patterns), and any other information the supervisor feels would assist the BOARD in the ultimate review of the RESPONDENT'S case. The supervisor shall include notification of any relapse, any infractions of laws which come to his/her

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attention, and any other relevant information. These reports shall commence three (3) months after RESPONDENT returns to work and shall be due quarterly for the remainder of the term of this AGREEMENT.

18. RESPONDENT shall have no access to controlled substances, including Schedule V drugs, during his/her employment as a licensed nurse for a minimum of one (1) year and until specifically authorized by the Associate Executive Director and the Disability Advisory Committee.

19. RESPONDENT shall not function as a supervisor, including as a head nurse or charge nurse, for a minimum of one (1) year unless approved by the Associate Executive Director and the Disability Advisory Committee.

20. RESPONDENT shall not work more than ninety (90) hours in nursing in any two (2) week period. Variations in hours must be approved in advance by the Associate Executive Director and the Disability Advisory Committee.

21. RESPONDENT shall cooperate with representatives of the Board in their supervision and investigation of RESPONDENT'S compliance with the terms and conditions of this AGREEMENT and shall meet with the Board or its representatives upon request.

22. RESPONDENT shall make and present written documentation that demonstrates compliance with the terms and conditions of this AGREEMENT and demonstrates progress in achieving defined goals in his/her individual recovery plan. Failure to demonstrate acceptable progress in recovery may be considered a violation of this Agreement.

23. RESPONDENT shall be financially responsible for all requirements of this AGREEMENT, including financial assessments made by the Board for the cost of monitoring his/her practice and recovery.

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24. RESPONDENT shall cause all reports to be in writing and submitted directly to the Board's Reno office on a quarterly basis unless otherwise specified. These reports shall commence following the acceptance of this AGREEMENT by the BOARD and are due no later than the last day of the month. It is the obligation of RESPONDENT to insure that all written reports are on time. The failure to submit reports on time may be considered a violation of the Agreement. Any variations in reporting frequency must be approved in advance by the Associate Executive Director and the Disability Advisory Committee.

25. RESPONDENT'S license shall not be marked during the period of this AGREEMENT, but RESPONDENT agrees that the BOARD may inform employers and potential employers of his/her conditional status in response to enquiries for licensure verification and will inform any other jurisdiction(s) of this Agreement, should he/she leave the state of Nevada.

26. This AGREEMENT shall cover any nursing license/certification issued by the state of Nevada.

27. At the completion of the term of this AGREEMENT, RESPONDENT shall request, in writing, to no longer be monitored on Conditional licensure. Monitoring and Conditional licensure shall continue until terminated by the Board. Upon demonstration of compliance with the terms and conditions of the Agreement and sufficient progress in recovery, the Board shall determine to discontinue monitoring under Conditional licensure.

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WHEREFORE, this AGREEMENT, is incorporated as an ORDER of the NEVADA STATE BOARD OF NURSING.

NEVADA STATE BOARD OF NURSING

Respondent

Date 2/22/96

Mimi O'Hanlan, R.N., APN
Board President

Date 3-7-96

for Lonna Burress, M.S., R.N.
Executive Director

Date

NA
Attorney for Respondent

Date NA

N/A
Deputy Attorney General

Date

STATE OF NEVADA )
)ss
COUNTY OF )

On this day 22nd of February in the year 1996 personally appeared before me, a Notary Public in and for the said County and State, ROBIN SHAW, known to me by presentation of sufficient means of identification to be the person who executed the foregoing instrument for the purpose therein mentioned.

NOTARY PUBLIC

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SEAL
Linda D. Pritchett
My Appointment Expires May 25, 1998