

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 180646 § AGREED
issued to SHELIA RENEE GORDON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHELIA RENEE GORDON, Vocational Nurse License Number 180646, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), (12) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 31, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 11, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on June 28, 2001.
5. Respondent's vocational nursing employment history includes:

6/01 - 12/05	Staff LVN	Regency Manor
		Temple, Texas

Respondent's vocational nursing employment history continued:

7/02 - 5/05	Charge LVN	Southland Villa Nursing Home Temple, Texas
4/05 - 9/05	Staff LVN	Texas State Veteran's Home Temple, Texas
7/05 - 5/06	Staff LVN	Indian Oaks Living Center Harker Heights, Texas
6/06 - present	Unknown	

6. At the time of the initial incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent was employed as a Licensed Vocational Nurse with Texas State Veteran's Home, Temple, Texas, and had been in this position for one (1) month.
7. On or about May 1, 2005 through May 15, 2005, while employed as a Licensed Vocational Nurse with Texas State Veteran's Home, Temple, Texas, Respondent withdrew Hydrocodone for Residents TV, HD, and HK, but failed to document, or accurately document the administration of the Hydrocodone in the medical records for the residents. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate patients which could result in overdose.
8. On or about May 1, 2005 through May 15, 2005, while employed as a Licensed Vocational Nurse with Texas State Veteran's Home, Temple, Texas, Respondent withdrew Hydrocodone for Residents TV, HD, and HK, but failed to follow the facility's policy and procedure for wastage of unused portions of the Hydrocodone. Respondent's conduct was deceiving and in violation of Chapter 481 of the Health and Safety Code (Texas Controlled Substances Act).
9. On or about May 1, 2005 through May 15, 2005, while employed as a Licensed Vocational Nurse with Texas State Veteran's Home, Temple, Texas, Respondent misappropriated Hydrocodone from the facility and residents thereof. Respondent's conduct defrauded the facility and its residents of the cost of the medication.
10. During about September 2005, while employed as a Licensed Vocational Nurse with the Texas State Veteran's Home, Temple, Texas, Respondent lacked fitness to practice vocational nursing, in that her gait was unsteady, she was staggering, her speech was slurred, and she could not keep her eyes open. Respondent's condition may have prevented her from delivering safe nursing care.

11. At the time of the initial incidents in Findings of Fact Numbers Twelve (12) and Thirteen (13), Respondent was employed as a Licensed Vocational Nurse with Indian Oaks Living Center, Harker Heights, Texas, and had been in this position for one (1) month.
12. On or about September 2005 through May 2006, while employed as a Licensed Vocational Nurse with Indian Oaks Living Center, Harker Heights, Texas, Respondent signed out narcotics on narcotic count sheets for residents, but failed to document, or accurately document the administration of the narcotics in the medication administration records and nurses' notes for the residents. Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on her documentation to further medicate patients which could result in overdose.
13. On or about September 2005 through May 2006, while employed as a Licensed Vocational Nurse with Indian Oaks Living Centers, Harker Heights, Texas, Respondent misappropriated narcotics from the facility and residents thereof. Respondent's conduct defrauded the facility and its residents of the cost of the medication.
14. Respondent states that she has been suffering from Major Clinical Depression since she was six (6)- years-old.
15. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
16. 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.
17. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Thirteen (13) was significantly influenced by Respondent's impairment by dependency on chemicals and mental illness.
18. 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 violations of Section 301.452(b)(10), (12) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (B) & (E), (4), (5), (6)(G), (8) and (10)(C) & (E).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 180646, heretofore issued to SHELIA RENEE GORDON, including revocation of Respondent's license to practice vocational 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 SHELIA RENEE GORDON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT 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.

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

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing

of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

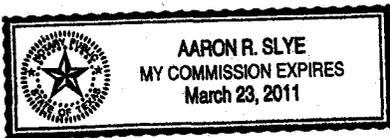
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of Feb, 2008.

Shelia h Gordon RN
SHELIA RENEE GORDON, Respondent

Sworn to and subscribed before me this 12th day of Feb, 2008.

SEAL



[Signature]

Notary Public in and for the State of Tx

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 12th day of February, 2008, by SHELIA RENEE GORDON, Vocational Nurse License Number 180646, and said Order is final.

Entered and effective this 22nd day of February, 2008.



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