

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



In the Matter of
SHANNA LYN BOND
PETITIONER for Eligibility for
Licensure

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ORDER OF
CONDITIONAL ELIGIBILITY

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 Vianes-Cabrera
Executive Director of the Board

On the date entered below, the Board of Nurse Examiners for the State of Texas hereinafter referred to as the Board, considered the Petition for Declaratory Order and supporting documents filed by SHANNA LYN BOND, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452 *et seq.*, Texas Occupations Code.

A public meeting was held on May 8, 2001, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the petition of SHANNA LYN BOND, PETITIONER, was considered.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Sue McGee, MSN, RN, ADN Programs and Thalia H. Munoz, MS, RN, Nursing Practice. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; Sunny McShan, Investigator; and Patricia Vianes-Cabrera, Legal Assistant.

FINDINGS OF FACT

1. On or about November 14, 2000, Petitioner submitted a Petition for Declaratory Order requesting a determination of eligibility for licensure in compliance with 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner was enrolled in a Nursing Program at Lamar University Beaumont, Texas, with a graduation date of December 2000.
4. Petitioner provided a "yes" answer to the inquiry authorized by Rule 213.29(b)(1) at 22 Texas Administrative Code. The question reads: "*Have you ever been addicted to or treated for the use of alcohol or any other drug within the past five (5) years?*"
5. Petitioner presented evidence of current fitness to practice professional nursing.
6. Petitioner presented satisfactory proof of one (1) consecutive year of sobriety and support group attendance.
7. The Board received letters of support/recommendation for Petitioner from the following:
 - A letter of reference dated August 14, 2000, from Mary Ann Fiorenza and Carolyn Palermo.
 - A letter of reference dated October 18, 2000, from Shelley Lee, LVN, Port Arthur, Texas.
 - A letter of reference dated October 26, 2000, from Chelsea Lyndy, LVN, ADSN.
 - A letter of reference dated October 26, 2000, from Laura J. Barrera, WN/ASN.
 - A letter of reference dated October 26, 2000, from Susan L. Subia, LVN.
 - A letter of reference dated October 31, 2000, from Melody Magouirk, LVN, ADSN.
 - A letter of reference dated November 2, 2000, from Sandy Brannan, MSN, RN, Coordinator, Articulation Tracks, Lamar University Nursing Department, Beaumont, Texas.
 - A letter of reference dated November 2, 2000, from Janice T. Rabalais, MS, RN, Assistant Professor, Lamar University, Department of Nursing, Beaumont, Texas.

8. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
9. The Board considered evidence of Petitioner's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code .
10. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
11. The Committee's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
12. The Board has determined that the Petitioner for licensure who has not been fit and sober for a period of at least five (5) continuous years [sixty (60) continuous months], poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition for Declaratory Order, past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
14. On May 8, 2001, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
15. In consideration of Petitioner's past conduct and subsequent evidence of rehabilitation, the Board finds that Petitioner should be declared conditionally eligible to take the National Council Licensure Examination for Registered Nurses.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted a petition in compliance with Section 301.257, Texas Occupations Code.
3. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.

4. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Petitioner does not currently pose a direct threat to the health and safety of patients or the public.
5. 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

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, SHANNA LYN BOND, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER 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.

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

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the 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.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulations.

IT IS FURTHER AGREED, AT THE TIME OF INITIAL LICENSURE, SHOULD PETITIONER CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER'S PROFESSIONAL NURSING PRACTICE SHALL BE LIMITED TO A CLINICAL PRACTICE SETTING. DURING THIS STIPULATION PERIOD, PETITIONER SHALL NOT BE SELF-EMPLOYED OR CONTRACT FOR SERVICES. PETITIONER SHALL NOT BE EMPLOYED BY A NURSE REGISTRY, TEMPORARY NURSE EMPLOYMENT AGENCY, HOME HEALTH AGENCY OR MULTIPLE EMPLOYERS. PETITIONER SHALL PRACTICE UNDER THE FOLLOWING STIPULATIONS FOR THE FIRST FOUR (4) YEARS OF EMPLOYMENT AS A REGISTERED NURSE:

(1) PETITIONER SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

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

(3) PETITIONER SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(4) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted to the office of the Board at the end of each three (3) months for four (4) years of employment as a professional nurse.

(5) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER 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.

(6) PETITIONER SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER 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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(7) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in

therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(8) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER 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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PETITIONER'S CERTIFICATE

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, 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 conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my petition, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or 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 Board of Nurse Examiners enter this Order.

Signed this 30 day of July, 2001.
Shanna Lyn Bond, Petitioner
SHANNA LYN BOND, PETITIONER

Sworn to and subscribed before me this 30 day of July, 2001.


SEAL

Carolyn Palermo
Notary Public in and for the State of Texas

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 30th day of July, 2001, by SHANNA LYN BOND, PETITIONER, for Petition for Declaratory Order, and said Order is final.

Entered this 22nd day of August, 2001.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

Attachments: Section 301.257, Texas Occupations Code
Section 301.452(a),(b) and (c), Texas Occupations Code
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code
Section 301.453, Texas Occupations Code