



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 Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 572111 § AGREED
issued to SHAUNA NOEL FERLAND § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinaf referred to as the Board, produced evidence indicating that SHAUNA NOEL FERLAND, hereinafter referred to as Respondent, License Number 572111, may have violated Section 301.452(b)(10)&(12), Texas Occupations Code.

An informal conference was held on January 13, 2004, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Deborah Hughes Bell, CLU, ChFC, Board Member; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Earl Stearns, Investigator; and Chris Schroeder, 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 representation by counsel, 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 Texarkana Community College, Texarkana, Texas, on May 1, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.

5. Respondent's professional employment history includes:

August 1991 - October 1993

Staff Nurse
Wadley Regional Medical Center
Texarkana, Texas

October 1993 - May 1994

Staff Nurse
Pinewood Hospital
Texarkana, Texas

October 1994 - March 1995

Nurse Supervisor
Heritage Plaza Nursing Center
Texarkana, Texas

February 1995 - March 1996

Staff Nurse
Medical Arts Hospital
Texarkana, Texas

September 1997 - February 1998

Education Program Coordinator
Domestic Violence Prevention, Inc.
Texarkana, Texas

September 1998 - March 2001

Community Services / Infection Control Nurse
Northeast Texas MHMR
Texarkana, Texas

March 2001 - January 2003

Staff Nurse
Atlanta Memorial Hospital
Atlanta, Texas

February 2003 - Present

Staff Nurse
Heritage Plaza Nursing Center
Texarkana, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Atlanta Memorial Hospital, Atlanta, Texas, and had been in this position for one (1) year and ten (10) months.

7. On or about January 7, 2003, while employed at Atlanta Memorial Hospital, Atlanta, Texas, Respondent performed a "take down" procedure on patient medical record number 9500997 who was non-combative. Respondent's conduct was likely to physically injure the patient in that Respondent pushed the patient which resulted in the patient falling.
8. On of about January 7, 2003, while employed at Atlanta Memorial Hospital, Atlanta, Texas, Respondent removed the pants from patient medical record number 9500997 and changed his undergarments in a common area of the facility. Respondent's conduct was likely to cause emotional harm to the patient in that Respondent exposed the patient and deprived him of privacy.
9. Based on the conduct described in Finding of Fact Number Eight (8), Respondent was requested to submit to a urine drug screen by her employer. Respondent refused to submit to the urine drug screen stating that she knew it would be positive for marijuana.
10. On October 23, 2003, Respondent submitted to a Forensic Psychological Evaluation conducted by Rafael F. Otero, Ph.D., Clinical Psychologist. Dr. Otero states, "Given the results on these psychological instruments. it is probable and very possible that Mrs. Ferland will be able to consistently behave in accordance with the requirements of rules set out in the Texas Administrative Code. It is also probable that she will be able to consistently avoid behaviors identified by the Board as constituting unprofessional conduct. Having said this, it is important for Ms. Ferland to receive intensive outpatient services for her cannabis dependence. Even though prognosis for therapeutic intervention is not very positive, it is imperative for her to obtain more knowledge of the addiction process and how her addiction will continue to interfere with her professional life. It is also recommended that Mrs. Ferland participate in individual psychotherapy. There are issues with anger and personality issues that would be beneficial for her to explore in a therapeutic context. Last, her nursing activities should be supervised for the next year."

On October 23, 2003, Respondent submitted to a polygraph examination conducted by Kevin Schutte. Mr. Schutte states, "During the pre-test interview, these issues were discussed in detail with Mrs. Ferland. Subsequent to this discussion, Mrs. Ferland indicated that she has smoked marijuana frequently in the last two years. Mrs. Ferland stated that she smokes marijuana every weekend. Mrs. Ferland stated that she would typically smoke two or three marijuana cigarettes every weekend. Mrs. Ferland stated that the last time she smoked marijuana was approximately two weeks ago. Mrs. Ferland stated that she has not smoked marijuana in the last two weeks because she does not want to get in any more trouble. During this discussion, Mrs. Ferland stated that she is from California, and really doesn't see what is wrong with using marijuana. Mrs. Ferland denies ever having used marijuana during the workweek or while at work, stating that she uses the drug on the weekends to relax. Mrs. Ferland stated that she had purposely avoided a drug test at work for fear of the marijuana being detected. Mrs. Ferland denies having a violent temper, or acting out in rage when angry. Mrs. Ferland stated that she does have a temper, but that she expresses her anger verbally and without physical confrontation, or physically harming anyone as a result of this anger."

The examiners' professional opinion is that Mrs. Ferland's answers to the relevant questions should be considered: **TRUTHFUL**.

11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Texas Occupations Code, Sections 301.401-301.419.
12. 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.
13. 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-.555, 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(16).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 572111, heretofore issued to SHAUNA NOEL FERLAND, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(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 five hundred dollars (\$500) payable to TPAPN.

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

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners 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, §§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, that the terms of this Agreed Order shall be applicable to Respondent's multistate licensure privileges, if any, to practice professional 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 State of Texas 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 professional nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

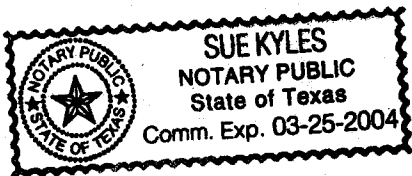
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer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

Signed this 2nd day of FEB., 2004.

Shauna Noel Ferland
SHAUNA NOEL FERLAND, Respondent

Sworn to and subscribed before me this 2nd day of Feb, 2004.

SEAL



Sue Kyles
Notary Public in and for the State of TEXAS

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 2nd day of February, 2004, by SHAUNA NOEL FERLAND, License Number 572111, and said Order is final.

Entered and effective this 19th day of February, 2004.



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