



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.
William C. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE LICENSE
NUMBER 113724 ISSUED TO
SHAWNA LOU HOLTZCLAW

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Shawna Lou Holtzclaw
2026 Clay, #4
St. Joseph, MO 64501

During open meeting held in Austin, Texas, on March 19, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 113724, previously issued to SHAWNA LOU HOLTZCLAW, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 19th day of March, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 7, 2012.

Re: Permanent Vocational Nurse License Number 113724
Issued to SHAWNA LOU HOLTZCLAW
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of March, 2013, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Shawna Lou Holtzclaw
2026 Clay, #4
St. Joseph, Mo 64501

Via USPS First Class Mail

Shawna Lou (Holtzclaw) Russell
502 S. 7th
Hiawatha, KS 66434

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent	§	BEFORE THE TEXAS
Vocational Nurse License	§	
Number 113724 Issued to	§	
SHAWNA LOU HOLTZCLAW,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHAWNA LOU HOLTZCLAW, is a Vocational Nurse holding License Number 113724, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 13, 1999, Respondent entered into a Joint Disciplinary Order with the Missouri State Board of Nursing wherein Respondent's license to practice practical nursing in the State of Missouri was Voluntary Surrendered due to diversion of Meperidine. A copy of the Joint Disciplinary Order issued by the Missouri State Board of Nursing, dated January 13, 1999, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(8).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

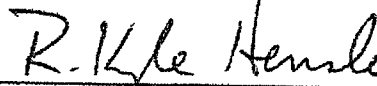
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Joint Disciplinary Order issued by the Missouri State Board of Nursing, dated January 13, 1999.

Filed this 7th day of November, 20 12.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512) 305-7401

Attachments: Joint Disciplinary Order issued by the Missouri State Board of Nursing, dated January 13, 1999.

D/2012.06.19

1/27/99

SETTLEMENT AGREEMENT BETWEEN STATE BOARD OF NURSING
AND SHAWNA RUSSELL

Comes now Shawna Russell ("Licensee") and the State Board of Nursing ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a licensed practical nurse will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo 1994, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo 1994, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights, and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to her.

Licensee acknowledges that she has received a copy of the Complaint filed with the Board, the investigative report, and other documents relied upon by the Board in determining there was cause for discipline against Licensee's license. For the purpose of settling this dispute,

Licensee stipulates that the factual allegations contained in this agreement are true and stipulates with the Board that Licensee's license as a licensed practical nurse, numbered RN032779, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 335, RSMo 1994.

Joint Stipulation of Fact

1. The State Board of Nursing ("the Board") is an agency of the state of Missouri created and established pursuant to § 335.021, RSMo 1994, for the purpose of executing and enforcing provisions of Chapter 335, RSMo, the Nursing Practice Act.

2. The Respondent ("Licensee") is licensed by the Board as a licensed practical nurse, License No. FN032779. Licensee's Missouri license was at all times relevant herein current and active. On or about June 1, 1997 Licensee's license lapsed.

3. At the time of the events alleged herein, Licensee was employed by Superior Health Care Staffing, Inc. ("Superior Health Care"), Overland Park, Kansas, a temporary employment agency.

4. On or about January 27, 1997, Licensee was sent by Superior Health Care to work the 3 p.m. to 11 p.m. shift at North Kansas City Hospital, North Kansas City, Missouri.

5. While assigned at North Kansas City Hospital, Licensee misappropriated Meperidine for personal use.

6. Licensee did not have a valid prescription for Meperidine.

7. Pursuant to § 195.017, RSMo 1994, Meperidine is a controlled substance.

8. Licensee's above mentioned conduct constitutes a violation of § 195.202.1, RSMo 1994, which states:

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under its authority of § 621.045.3, RSMo 1994.

1. Licensee's license as a licensed practical nurse is hereby VOLUNTARILY SURRENDERED. Licensee shall immediately return all indicia of licensure to the Board.

2. The parties to this settlement agreement understand that the Board of Nursing will maintain this settlement agreement as an open and public record of the Board as provided in Chapters 335, 610, and 620, RSMo.

3. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorney's fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Litigation, or from the negotiation or execution of this Settlement and Release Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement and Release Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement and Release Agreement or any portion thereof void or unenforceable.

LICENSEE AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE LINE

_____ REQUESTS

 T DOES NOT REQUEST

THE ADMINISTRATIVE HEARING COMMISSION, TO DETERMINE IF THE FACTS
SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING LICENSEE'S LICENSE AS
A LICENSED PRACTICAL NURSE.

If Licensee has requested review, Licensee and Board jointly request that the
Administrative Hearing Commission determine whether the facts set forth herein are grounds for
disciplining Licensee's license and issue findings of fact and conclusions of law stating that the
facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date
the Administrative Hearing Commission determines that the agreement sets forth cause for
disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

If Licensee has not requested review by the Administrative Hearing Commission, the
agreement goes in to effect 15 days after the document is signed by the Executive Director.

RESPONDENT

PETITIONER

Shawna Russell

Marcia K. Flesner
Marcia K. Flesner, R.N., M.H.C.A.,
M.S.N., CNAA
Executive Director
State Board of Nursing

Date 1/13/99

Date 1/13/99

EFFECTIVE
1-27-99