



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 P. Thomas
Executive Director of the Board

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 718132 §
Issued to SHANILEIGH SWANSON, §
Respondent § BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: SHANILEIGH SWANSON
c/o JEFF B. MCDONALD, ATTORNEY
1411 WEST AVENUE, SUITE 200
AUSTIN, TX 78701

A public meeting of the Texas Board of Nursing was held on June 6, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 718132, issued to SHANILEIGH SWANSON was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of SHANILEIGH SWANSON and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about April 12, 2013, you became non-compliant with the Agreed Order issued to you by the Texas Board of Nursing on September 29, 2010. Non-compliance is the result of your failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that you produced a specimen for a random urine drug screen which resulted positive for ETG/ETS (alcohol). Stipulation number three (3) of the Agreed Order dated September 29, 2010, states:

“RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the

State of Texas current.”

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 29, 2010, is attached and incorporated, by reference, as part of this pleading.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by SHANILEIGH SWANSON constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 718132, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 718132, issued to SHANILEIGH SWANSON, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 6th day of June, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 718132 §
Issued to SHANILEIGH SWANSON, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHANILEIGH SWANSON, is a Registered Nurse holding License Number 718132 which is in current 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 April 12, 2013, you became non-compliant with the Agreed Order issued to you by the Texas Board of Nursing on September 29, 2010. Non-compliance is the result of your failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement in that you produced a specimen for a random urine drug screen which resulted positive for ETG/ETS (alcohol). Stipulation number three (3) of the Agreed Order dated September 29, 2010, states:

“RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.”

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 29, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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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 and TEX. OCC. CODE Ch. 53. 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.

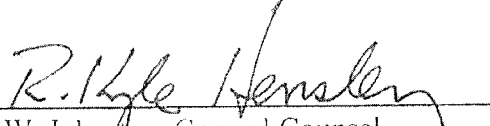
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated September 29, 2010.

Filed this 6th day of June, 2013.

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: Order of the Board dated September 29, 2010

D/2012.06.19

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 718132 §
issued to SHANILEIGH SWANSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHANILEIGH SWANSON, Registered Nurse License Number 718132, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3),(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 7, 2010, 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(s).
2. Respondent waived representation by counsel, 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 South Plains College, Levelland, Texas on June 28, 2005 . Respondent was licensed to practice professional nursing in the State of Texas on June 30, 2005.
5. Respondent's professional nursing employment history includes:

| | | |
|-----------|----|--|
| 6/05-1/09 | RN | University Medical Center Health Center Lubbock, Texas |
|-----------|----|--|

Respondent's professional nursing employment history continued:

2/09-Present

Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7) , Respondent was employed as a Registered Nurse with University Medical Center Health System, Lubbock, Texas and had been in this position for approximately Three (3) years and Six (6) months.
7. On or about November 10, 2008, while employed with University Medical Center Health System, Lubbock, Texas, Respondent withdrew Opium & Belladonna Suppository from the medication dispensing system for Patient #838070s, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Records (MARs) and/or Nurses Notes as follows:

| Date/Time | Patient # | Medication Pulled | Physician's Order | MAR | Nurses Notes | Wastage |
|-------------------|-----------|--------------------------------|-------------------|------|--------------|---------|
| 11/10/08 12:32 | 838070 | Opium & Belladonna 16A Supp | None | None | None | None |

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about November 10, 2008, while employed with University Medical Center Health System, Lubbock, Texas Respondent withdrew Opium & Belladonna Suppository from the medication dispensing system for Patient #838070 but failed to follow the policy and procedure for the wastage of the unused portions of the medication as follows:

| Date/Time | Patient # | Medication Pulled | Physician's Order | MAR | Nurses Notes | Wastage |
|-------------------|-----------|--------------------------------|-------------------|------|--------------|---------|
| 11/10/08 12:32 | 838070 | Opium & Belladonna 16A Supp | None | None | None | None |

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about November 10, 2008, while employed with University Medical Center Health System, Lubbock, Texas Respondent withdrew Opium & Belladonna Suppository from the medication dispensing system for patient #838070 without a valid physician's order as follows:

| Date/ Time | Patient # | Medication Pulled | Physician's Order | MAR | Nurses Notes | Wastage |
|-------------------|-----------|--------------------------------|-------------------|------|--------------|---------|
| 11/10/08 12:32 | 838070 | Opium & Belladonna 16A Supp | None | None | None | None |

Respondent's conduct was likely to injure the patient in that the administration of Opium & Belladonna without a valid physician's order could result in the patient suffering from adverse reactions.

10. On or about November 10, 2008 through January 9, 2009, while employed with University Medical Center Health System, Lubbock, Texas Respondent misappropriated Solu-Medrol, Versed, and an Opium & Belladonna Suppository belonging to the facility and patients' therein, in that Solu-Medrol, Versed, and an Opium & Belladonna Suppository were found in her purse when she was arrested on January 9, 2009, for Driving While Intoxicated. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. On or about December 1, 2009, Respondent plead Guilty and was convicted of Driving While Intoxicated (a Class B Misdemeanor offense committed on January 8, 2009, in the County Court at Law No. Two, Lubbock County, Texas, Cause Number 2009453952. As a result of the plea, Respondent was sentenced to twenty-four (24) months probation.
12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states she was newly single after separation from her husband of 16 yrs and didn't realize she was going down a path of self destruction or being irresponsible. Respondent reports she was set up on a date by her friends and was nervous and drank more than usual. After the date, Respondent states she drove herself home, was pulled over and refused the breath specimen, which resulted in her arrest for suspicion of DWI. While taking inventory of her personal belongings at the station, Respondent reports the police found unopened vials of medications in her purse. Respondent admits that she may have placed unused drugs in her pockets while on duty, which she would often find later and place in her purse so she could return them the following day. Respondent admits this practice is and was illegal and very irresponsible.
13. On or about June 7, 2010, Respondent engaged in the intemperate use of Alcohol in that she submitted a specimen for drug screening which resulted positive for ETG. The use of

alcohol 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.

14. 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.
15. 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.
16. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.
17. 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 violation of Section 301.452(b)(3), (9),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B)&(D) and §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(G),(10)(C),(10)(D),(11)(B)&(13).
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 718132, heretofore issued to SHANILEIGH SWANSON, including revocation of Respondent's license(s) 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, 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 participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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(s) is/are 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

RESPONDENT'S CERTIFICATION

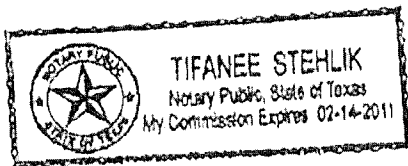
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer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

Signed this 31st day of August, 2010.

SS Swanson
SHANLEIGH SWANSON, Respondent

Sworn to and subscribed before me this 31st day of August, 2010.

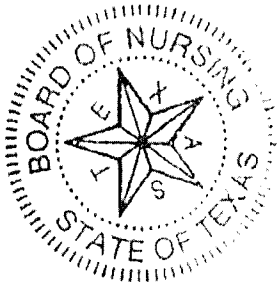
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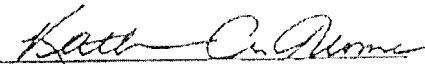


Tifanee Stehlik
Notary Public in and for the State of Texas

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 31st^h day of August, 2010, by SHANILEIGH SWANSON, Registered Nurse License Number 718132, and said Order is final.

Entered and effective this 29th day of September, 2010.




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