

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 221769
ISSUED TO SHANIKA RENA GARLAND,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE



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

ORDER OF THE BOARD

TO: SHANIKA RENA GARLAND
490 CR 3673
QUEEN CITY, TX 75572

During open meeting held in Austin, Texas, on **June 16, 2015**, 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 221769, previously issued to SHANIKA RENA GARLAND, 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 16th day of June, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed April 24, 2015.

d17r(2014.12.05)

Re: Permanent Vocational Nurse License Number 221769
Issued to SHANIKA RENA GARLAND
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17 day of June, 2015, 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

SHANIKA RENA GARLAND
490 CR 3673
QUEEN CITY, TX 75572

BY:



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

**In the Matter of
Permanent Vocational Nurse
License Number 221769
Issued to SHANIKA RENA GARLAND,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHANIKA RENA GARLAND, is a Vocational Nurse holding License Number 221769, 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 March 12, 2015, Respondent's Privilege to Practice nursing from the State of Texas Licensed Vocational Nurse License Number 221769 was Reprimanded by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Arkansas State Board of Nursing's Letter of Reprimand dated March 12, 2015, 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)(8), Texas Occupations Code.

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).

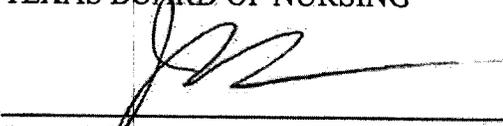
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, 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/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Letter of Reprimand from the State of Arkansas dated March 12, 2015.

Filed this 24 day of April, 2015.

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

Natalie E. Adelaja, Assistant General Counsel
State Bar No. 24064715

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

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

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

John Vanderford, Assistant General Counsel
State Bar No. 24086670

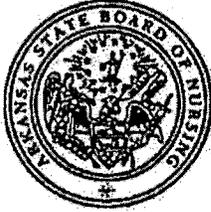
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-8657

F: (512) 305-8101 or (512)305-7401

Attachments: Letter of Reprimand from the State of Arkansas dated March 12, 2015

D(2015.02.24)



Arkansas State Board of Nursing

1123 S. University Avenue, Suite 800 • Little Rock, Arkansas 72204
Phone: (501) 686-2700 • Fax: (501) 686-2714 • Web: www.arsbn.org

Sue A. Tedford, MNSc, RN
Executive Director

W. Fred Knight
General Counsel

CERTIFIED MAIL
7008 0500 0001 4362 9645

March 12, 2015

Shanika Rena Garland
490 CR 3673
Queen City, Texas 75572

RE: LETTER OF REPRIMAND

Privilege to Practice in Arkansas based on Texas PN License 221769

Dear Ms. Garland:

The Arkansas State Board of Nursing has received a complaint regarding your nursing practice. This Letter of Reprimand is being issued to Shanika Rena Garland (hereinafter referred to as Respondent) for violations of the *Arkansas Nurse Practice Act*.

The Nurse Practice Act of the State of Arkansas, A.C.A. §17-87-309 (Amended 1999) and Arkansas State Board of Nursing Rules Chapter 7, Section IV state:

- (a) The board shall have sole authority to deny, suspend, revoke or limit any license to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
 - (6) **Is guilty of unprofessional conduct;**
 - (c) Failing to make entries, destroying entries, and/or making false entries in records pertaining to the giving of narcotics, drugs, or nursing care.
 - (e) Failing to administer medications and /or treatments in a responsible manner.
 - (t) Any other conduct that, in the opinion of the Board, is likely to deceive, defraud, injure, or harm a patient or the public by an act, practice, omission that fails to conform to the accepted standards of the nursing profession.

A.C.A. §17-87-601 NURSE LICENSURE COMPACT

Article III

- (b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their states and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens.

Board Members:

Karen Holcomb, RN- President • Richard Spivey, LPN- Vice President • Doris Scroggin, RN- Secretary • Gladwin Connell, D Min.- Treasurer
Patricia Staggs, LPN • Cynthia Burroughs, PhD • Clevesta Flannigan, LPN • Ramonda Housh, MNSc, APRN, CNP, C-PNP
Terri Imus, RN • Tammy Mitchell, LPN • Sandra Priebe, MSN, RN • Cathleen Shultz, PhD, RN • Shela Upshaw, RN

Article V

(3) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state;

17-87-602. Practice privileges – Power of Board to limit or revoke.

The Arkansas State Board of Nursing may limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Compact or take action on previous practice privilege action from another party state.

- Respondent is the holder of Texas License number PN 221769.
- Respondent was employed by Arkansas Nursing and Rehabilitation Center in Texarkana, Arkansas.
- On or about February 10, 2012, Respondent's employment with Arkansas Nursing and Rehabilitation was terminated due to failing to document complete discharge instructions regarding tapering of Neurontin, failing to ensure correct medications were sent home with the resident, and failure to inform administration of the incident.
- A review of Respondent's personnel file documented the following:
 - While employed at Arkansas Nursing and Rehabilitation:
 - Respondent was warned on November 23, 2011 for failure to document administration of IV antibiotic.
 - Respondent received a verbal warning on December 5, 2011 for failure to complete orders for medication resulting in a delay in resident receiving medication.
 - Respondent received a verbal warning dated May 5, 2011 due to being tardy 26 times between the dates of January, 2011 through May 5, 2011.
 - Respondent received a telephone order on April 14, 2011 to increase fluids. This was documented on April 16, 2011.
 - Respondent received order to administer Coumadin on February 22, 2011 and failed to order medication or place order on Medication Administration Record (MAR).
 - While employed at Autumn Care in Norfolk, Virginia:
 - Respondent was suspended on August 1, 2008 for three (3) days for failure to administer medication correctly which could have harmed a patient.
 - Respondent was suspended on April 1, 2008 for three (3) days for refusal to complete new admission who came in towards the end of the shift.
 - Respondent received a written warning on November 14, 2007 for failure to perform treatments scheduled on her shift.
 - Respondent received a written warning on December 18, 2007 for failure to address lab work with the physician.

Letter of Reprimand
Privilege to Practice Texas License No. PN 221769
Page 2 of 3

- Respondent had documentation in file stating she was witnessed by several employees as shouting obscenities on a unit.
- Respondent was counseled on July 5, 2007 for failure to document in MAR in a timely manner and failure to document Accu-checks and weekly blood pressures.

The Arkansas State Board of Nursing therefore Orders that the privilege to practice nursing in Arkansas based on Texas Practical Nurse license PN 221769 of Shanika Garland is reprimanded and the following conditions are to be met:

Respondent is to provide evidence of completion of the Board approved course CAH Pharmacology Program and Documentation for Nurses. The course is to be completed within six months of receipt of this Letter of Reprimand. Upon completion of the course Respondent is to submit a two-page summary as specified in the directions for Board Ordered Courses.

This letter of reprimand is:

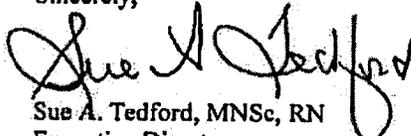
- public information
- made a part of your record
- scheduled to be reported in the ASBN newsletter following the disciplinary hearings
- reported to the National Council of State Boards of Nursing Disciplinary Data Bank
and
- reported to the National Practitioner Data Bank

You should understand that evidence of a prior violation of the Nurse Practice Act may be used for purposes of determining sanctions in any future disciplinary matters.

You may request a hearing before the full Board in lieu of this Letter of Reprimand. You have thirty (30) days upon receipt of this letter to request a formal hearing before the Arkansas State Board of Nursing.

You are responsible and accountable for your own practice. Please review the enclosed Grounds for Discipline.

Sincerely,


Sue A. Tedford, MNsc, RN
Executive Director

SAT/dg
Enclosure