

In the Matter of  
Permanent Registered Nurse  
License Number 774667  
Issued to ERIN KATHLEEN SHOFFNER,  
Respondent

§ BEFORE THE TEXAS  
§  
§  
§  
§ BOARD OF NURSING

**ORDER OF TEMPORARY SUSPENSION**

TO: ERIN KATHLEEN SHOFFNER  
179 SCHOONER BEND AVE  
SUMMERVILLE, SC 29483

A public meeting of the Texas Board of Nursing was held on February 9, 2016 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 774667, issued to ERIN KATHLEEN SHOFFNER 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 ERIN KATHLEEN SHOFFNER 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 charge is substantiated:

**Charge I:**

On or about December 1, 2015, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on October 1, 2014. Respondent's noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Order, dated October 1, 2014, which reads:

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

On October 14, 2015, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a random drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfates,

metabolites of alcohol. Additionally, Respondent admitted she had relapsed and had been drinking to a recovery specialist for the South Carolina State Board of Nursing Recovering Professionals Program (RPP)

On November 13, 2015, Respondent was dismissed from the South Carolina RPP. On December 1, 2015, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN).

The Texas Board of Nursing further finds that, given the nature of the charge concerning her fitness to practice, the continued practice of nursing by ERIN KATHLEEN SHOFFNER constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 774667, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 774667, issued to ERIN KATHLEEN SHOFFNER, 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 61<sup>st</sup> day following the date of the entry of this order.

Entered this 9<sup>th</sup> day of February, 2016.

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 774667	§	
Issued to ERIN KATHLEEN SHOFFNER,	§	
Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ERIN KATHLEEN SHOFFNER, is a Registered Nurse holding License Number 774667, which is in 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 December 1, 2015, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on October 1, 2014. Respondent's noncompliance is the result of her failure to comply with Stipulation Number Three (3) of the Order, dated October 1, 2014, which reads:

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

On October 14, 2015, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a random drug screen that resulted positive for Ethyl Glucuronide and Ethyl Sulfates, metabolites of alcohol. Additionally, Respondent admitted she had relapsed and had been drinking to a recovery specialist for the South Carolina State Board of Nursing Recovering Professionals Program (RPP)

On November 13, 2015, Respondent was dismissed from the South Carolina RPP. On December 1, 2015, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN).

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(1)(B),(1)(E),(4),(5),(9),(10)(A),(10)(D)&(11)(B).

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](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

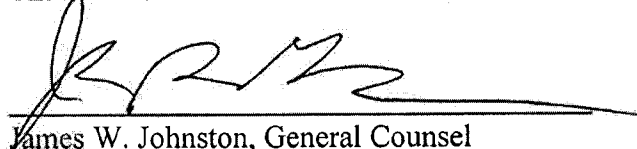
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE

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 October 1, 2014.

Filed this 9<sup>th</sup> day of February, 2016.

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

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

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

Jessica Lance, Assistant General Counsel  
State Bar No. 24091434

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

Jacqueline A. Strashun  
State Bar No. 19358600

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: Order of the Board dated October 1, 2014

D(2015.11.18)

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED
Registered Nurse License Number 774667	§	
& Privilege to Practice (PTP) from South Carolina RN105452	§	
issued to ERIN KATHLEEN SHOFFNER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERIN KATHLEEN SHOFFNER, Registered Nurse License Number 774667, and Privilege to Practice (PTP) from South Carolina RN105452, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1),(10)&(12) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 13, 2014.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas, which is in MSR License-TX Invalid status.
4. Respondent received a Diploma in Nursing from Watts School of Nursing, Durham, North Carolina, on December 31, 2005. Respondent was licensed to practice professional nursing in the State of Texas on August 27, 2009.

5. Respondent's professional nursing employment history includes:

01/2006 - 01/2009	RN	Medical University of SC Charleston, South Carolina
02/2009 - 04/2011	RN	Metropolitan Methodist Hospital San Antonio, Texas
05/2011 - 07/2011	Unknown	
08/2011 - 09/2012	RN	Christus Santa Rosa Hospital at Westover Hills San Antonio, Texas
09/2012 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse in the Med-Surg ICU with Christus Santa Rosa Hospital, San Antonio, Texas, and had been in this position for approximately one (1) year.
7. On or about September 14, 2012, while employed with Christus Santa Rosa Health System, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that she was found sleeping at the nurse's station while on duty. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about September 16, 2012, while employed with Christus Santa Rosa Health System, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that she was sleeping while on duty and smelled of alcohol. Additionally, Respondent refused to submit a specimen for a drug/alcohol screen. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. 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.
10. 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.

11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
12. 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 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E),(4)&(5) and 220.2(f).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 774667, and Privilege to Practice (PTP) from South Carolina RN105452, heretofore issued to ERIN KATHLEEN SHOFFNER, up to, and 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, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 774667, and Privilege to Practice (PTP) from South Carolina RN105452, previously issued to ERIN KATHLEEN SHOFFNER, to practice nursing in Texas is/are hereby SUSPENDED and said suspension is ENFORCED until Respondent complies with Stipulation Numbers One (1) and Two (2):

(1) RESPONDENT SHALL apply to and be accepted into the TPAPN and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the



amount of five hundred dollars (\$500.00) 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.

IT IS FURTHER AGREED, upon verification of compliance with Stipulation Numbers One (1) and Two (2), the SUSPENSION will be stayed, and RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the TPAPN:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable 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.

South Carolina State Board of Nursing Recovering Professional Program (RPP) as an Alternative to TPAPN

IT IS FURTHER AGREED, and ORDERED that this order constitutes written permission for Respondent to participate in the South Carolina State Board of Nursing Recovering Professional Program (RPP) for chemical dependency in lieu of the TPAPN option provided Respondent applies and is accepted within ten (10) days following the date of entry of this final Order, and remains enrolled in South Carolina State Board of Nursing Recovering Professional Program (RPP) until successful completion. RESPONDENT SHALL NOT practice in any other party state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.

RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I 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 Stipulation Numbers 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 16 day of September, 2014.  
Erin Kathleen Shoffner  
ERIN KATHLEEN SHOFFNER, Respondent

Sworn to and subscribed before me this 16 day of September, 2014.

SEAL

Savannah Thompson  
Notary Public in and for the State of South Carolina

Approved as to form and substance.

Darrin  
Darrin

Darrin Fugitt  
Darrin Fugitt, Attorney for Respondent

Signed this 23 day of Sept., 2014

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 the 16th day of September, 2014, by ERIN KATHLEEN SHOFFNER, Registered Nurse License Number 774667, and Privilege to Practice (PTP) from South Carolina RN105452, and said Order is final.

Effective this 1st day of October, 2014.



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