



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 J. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 180087	§	
issued to SHEA HOLLYNE BENEDICK	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that SHEA HOLLYNE BENEDICK, Vocational Nurse License Number 180087, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on March 1, 2016, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person.

### 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Schreiner College, Kerrville, Texas, on February 16, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on April 26, 2001.
5. Respondent's nursing employment history includes:

4/2001 - 4/2002	Staff Nurse	Sid Peterson Hospital Kerrville, Texas
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Respondent's nursing employment history continued:

4/2002 - 1/2003	Office Nurse	Allergy and Asthma Center of Austin Austin, Texas
2/2003 - 4/2005	Charge Nurse	Parsons House Kerrville, Texas
2/2005 - 7/2006	Office Nurse	Dr. Mohar Kerrville, Texas
8/2006 - 5/2008	Charge Nurse	Parsons House Kerrville, Texas
6/2008 - 3/2012	Health and Wellness Director	Sterling House Kerrville, Texas
4/2012 - 10/2014	Executive Director	Brookdale Senior Living Kerrville, Texas
10/2014 - 5/2015	Executive Director	Brookdale Senior Living Whitby San Antonio, Texas
6/2015 - Present	Staff Nurse	Childrens Home Healthcare Boerne, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the Executive Director with Brookdale Senior Living Whitby, San Antonio, Texas, and had been in that position for four (4) months.
7. On or about February 6, 2015, while employed as the Executive Director with Brookdale Senior Living Whitby, San Antonio, Texas, Respondent failed to verify the delegated authority and skills of an unlicensed assistive personnel (UAP) when she directed the UAP to administer a suppository to Resident MA. The UAP had not been delegated by the Case Manager to administer suppositories, and had no training to administer suppositories. Respondent's conduct exposed the patient to a risk of harm from adverse complications of a procedure performed by staff without sufficient training and competency.
8. On or about February 6, 2015, while employed as the Executive Director with Brookdale Senior Living Whitby, San Antonio, Texas, Respondent failed to ensure that the Medication Administration Record (MAR) of Resident MA was accurate. The MAR contained initials of two (2) different staff documenting that they administered a suppository to Resident MA. Respondent's conduct resulted in an inaccurate medical record and exposed the patient

unnecessarily to a risk of harm in that subsequent care givers would not have accurate documentation to provide further care.

9. On or about February 28, 2015, while employed as the Executive Director with Brookdale Senior Living Whitby, San Antonio, Texas, Respondent failed to verify conflicting physician move-in orders for Resident SG concerning medications, diet, and home health. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient from subsequent care decisions made without the benefit of accurate information.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the suppository was given by the Business Office Manager, who had been promoted from floor aide, med passer, to an administrative position, but whom was still used as a back up medication passer during staff shortage as at that time there was no nursing staff present in the building. Respondent indicates that the patient's family was present at the time and requested that the Business Office Manager administer the suppository, and Respondent explains that she thought that the Business Office Manager was certified to administer suppositories. Respondent adds that she did ask the medication tech to write the order on the MAR, but states that she didn't ask the tech to sign for administering the medication. Respondent states that the Business Office Manager initialed the MAR as the one who administered the suppository. Respondent states that prior to Resident SG's move-in after regular hours on February 28, 2015, she verified with the rehabilitation facility where the resident was transferring from that the resident was able to self inject her insulin. Respondent explains that she consolidated the resident's orders to reflect that the resident was able to self administer insulin. Respondent states that she and the resident care coordinator spoke to an employee of the resident's primary care physician who confirmed that the resident could self administer insulin.

#### 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 §217.11(1)(A),(1)(B),(1)(D),(1)(G),(1)(M),(1)(N),(1)(P),(1)(S)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(D)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 180087, heretofore issued to SHEA HOLLYNE BENEDICK.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to 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.

#### **III. REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of

employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

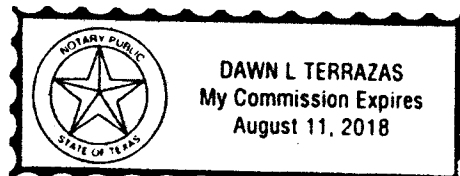
Signed this 19 day of March, 2016.

Shea Hollyne Benedick  
SHEA HOLLYNE BENEDICK, Respondent

Sworn to and subscribed before me this 19 day of MARCH, 2016.

SEAL

Dawn L Terrazas  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of March, 2016, by SHEA HOLLYNE BENEDICK, Vocational Nurse License Number 180087, and said Order is final.

Effective this 10th day of May, 2016.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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