



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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Advanced Practice Registered	§	AGREED
Nurse License Number AP121124 with	§	
Prescription Authorization Number 11992	§	
& Privilege to Practice From North Carolina	§	
Registered Nurse License Number 166864	§	
issued to SHANNON LEIGH WINN	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that SHANNON LEIGH WINN, Advanced Practice Registered Nurse License Number AP121124 with Prescription Authorization Number 11992 and Privilege to Practice From North Carolina Registered Nurse License Number 166864, hereinafter referred to as Respondent, may be subject to discipline pursuant to Section 301.452(b)(10)&(13), and 304.001, Article 5, Texas Occupations Code.

An informal conference was conducted on Thursday, January 7, 2016, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Joyce Stamp Lilly, Attorney at Law.

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 professional nursing in the State of North Carolina, a party state in the Nurse Licensure Compact, is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.

4. Respondent received an Associate Degree in Nursing from Central Carolina Community College, Sanford, North Carolina, on May 31, 1999; a Baccalaureate Degree in Nursing from the University of North Carolina, Chapel Hill, North Carolina in 2003; and received a Master's Degree in Nursing from East Carolina University, Greenville, North Carolina, on August 1, 2008. Respondent was licensed to practice professional nursing in the State of North Carolina on July 30, 1999; and was licensed to practice advanced practice registered nursing in the role of Adult Nurse Practitioner with prescription authorization in the State of Texas on November 2, 2011.

5. Respondent's nursing employment history includes:

02/00 - 05/08	RN	Cape Fear Valley Health System Fayetteville, North Carolina
06/08 - 12/09	RN/Adult NP	Fayetteville Heart Center Fayetteville, North Carolina
01/10 - 09/12	Adult NP	Carolina Cardiology Fayetteville, North Carolina
04/11 - 12/11	Adult NP	Ferncreek Cardiology Fayetteville, North Carolina
01/12 - 06/12	Contract ANP	Outpatient Pain and Wellness Houston, Texas
06/12 - 02/13	Contract ANP	Elite Medical Care Houston, Texas
03/13 - 10/13	Adult NP	Cardio VIP at Texas Gulf Coast Medical Group Webster, Texas
10/13 - 04/14	Adult NP	Coast Medical Group Houston, Texas
04/14 - Present	Adult NP	Texas Gulf Coast Medical Group Webster, Texas

6. During the time period of December 26, 2011, through June 18, 2012, while employed as an Adult Nurse Practitioner at Outpatient Pain & Wellness Clinic, Houston, Texas, Respondent's practice fell below the minimum standards of nursing practice in that she engaged in non-therapeutic prescribing practices. During this time period, Respondent issued prescriptions for controlled substances to the following patients: AC, ChSi, CT, DV,

EG, JC, JK, JoBa, JP, JS, KC, KF, LS, MF, MY, RL, RS, SM, SMi, UW, VS and VW, without conducting appropriate assessments to justify her prescribing practices and/or exploring/ordering other treatment options in lieu of prescribing dangerous controlled substances to the patients. Further, Respondent failed to collaborate, and/or completely/accurately document collaboration with a delegating/collaborating physician in the patients' medical records; failed to appropriately monitor the patients for abusive and/or drug seeking behavior; and failed to completely/accurately document in the patients' medical files.

7. In response to Finding of Fact Number Seven (7), Respondent states that after her first meeting with Edna Dowson (owner of Outpatient Pain and Wellness) and Dr. Carl Rockett, MD (her supervising physician) she had several questions regarding the "practice protocol". Respondent states she could never get a "clear" answer to her questions from either so she started her own research. Respondent states she noticed several problems with the medical records, including that the records were incomplete and that many documents that she knows she completed are missing, such as the records of the almost 50 patients she discharged.

Respondent states that she completed the following on every patient she saw: Narcotic contract, patient history of and/or potential for abuse/diversion, pain assessment, ADLs, physical and psychological assessment, vital signs, lab and imaging results/orders, patient comfort assessment, updated goal/treatment plan, education on proper use and possible side effects of medication, alternative treatment options and made referrals. Respondent states that Dr. Rockett was frequently unavailable and there were instances where E. Dowson changed her treatment plan, for example, E. Dowson would prescribe additional medication for her patients that she had already evaluated and treated. Respondent states this occurred once on a patient seen by her (VS), when Dr. Tafel prescribed additional medication. Respondent states the chart for VS is incomplete and does not include her full progress note and assessment.

Respondent states that after a few months at this clinic, tensions were elevated due to her questions about policies, Dr. Rockett's unavailability, her instituting DPS checks, and discharging her patients. Respondent states that E. Dowson told her the clinic was losing money because of these things so she decided to leave. Respondent adds that she doesn't feel that she ever willingly or knowingly practiced outside her scope or in a way that was outside the Nurse Practice Act.

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)(C), (4)(A)&(4)(B), 217.12(1)(A),(1)(B)&(4), 221.13(a)&(d), 222.4(a), 222.6(b)&(c)(effective 12/26/2003 through 11/20/13), and 222.12(a)(effective 2/14/2010 through 11/20/2013).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), and 304.001, Article 5, Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP121124 with Prescription Authorization Number 11992 and Privilege to Practice From North Carolina Registered Nurse License Number 166864, heretofore issued to SHANNON LEIGH WINN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that:

- A. Prescription Authorization Number 11992, previously issued to SHANNON LEIGH WINN, is **LIMITED and RESPONDENT SHALL NOT prescribe or order any controlled substances**. Further, RESPONDENT SHALL surrender all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s) and/or DPS (Texas Department of Public Safety) Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, on or before the effective date of this Order; and
- B. Advanced Practice Registered Nurse License Number AP121124 with Prescription Authorization Number 11992, and Privilege to Practice From North Carolina Registered Nurse License Number 166864, previously issued to SHANNON LEIGH WINN, to practice nursing in Texas are hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

II. COMPLIANCE WITH LAW AND APPLICABILITY

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.

- 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.

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 courses within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A 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.*

IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1,000.00). RESPONDENT SHALL pay this fine within ninety (90) days of the effective date of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse 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 advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies: RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order

of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or

Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. RESTORATION OF UNENCUMBERED LICENSE(S) AND/OR FULL PRESCRIBING AUTHORIZATION

With the exception of RESPONDENT'S Prescription Authorization, upon full compliance with the terms of this Order, all other 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.

Upon full compliance with the terms of this Order, RESPONDENT'S Prescription Authorization shall remain **LIMITED** and **RESPONDENT SHALL NOT be authorized to prescribe or order any controlled substances** until such time that RESPONDENT petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, RESPONDENT SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain. The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.

- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or DPS Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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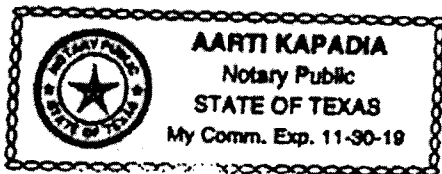
RESPONDENT'S CERTIFICATION

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. 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 29 day of January 2016.
Shannon Leigh Winn
SHANNON LEIGH WINN, Respondent

Sworn to and subscribed before me this 29 day of January 2016.

SEAL



A. Kapadia
Notary Public in and for the State of Texas

Approved as to form and substance.

Joyce Stamp Lilly
Joyce Stamp Lilly, Attorney for Respondent

Signed this 30 day of January 2016

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of January, 20 16, by SHANNON LEIGH WINN, Advanced Practice Registered Nurse License Number AP121124 with Prescription Authorization Number 11992 and Privilege to Practice From North Carolina Registered Nurse License Number 166864, and said Order is final.

Effective this 8th day of March, 20 16.



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