



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.  
*Stephanie A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 626029	§	
issued to SHEILA GAYLE SCHMIDT	§	ORDER
PETITIONER for Exception	§	

On this day, the Executive Director, on behalf of the Texas Board of Nursing, hereinafter referred to as the "Board," considered Petitioner's Request for Exception filed in the above-styled matter. An Agreed Order of the Board was entered on February 21, 2014, for Registered Nurse License Number 626029. Petitioner filed a Request for Exception to the Agreed Order on or about June 17, 2014. After review and due consideration of the Petitioner's request, and pursuant to 22 Tex. Admin. Code §211.7(h), the Executive Director of the Board **GRANTS** Petitioner's Request for Exception.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner is currently licensed to practice professional nursing in the State of Texas.
4. Petitioner received a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on December 1, 1995. Petitioner was licensed to practice professional nursing in the State of Texas on February 12, 1996.
5. Petitioner's professional nursing employment history is unknown.

6. On March 22, 2011, Petitioner was issued the sanction of a Corrective Action by the Texas Board of Nursing. A copy of the March 22, 2011, Corrective Action, Findings of Fact, and Conclusions of Law is attached and incorporated herein by reference as part of this Order.
7. On February 21, 2014, Petitioner's license to practice professional nursing was Suspended by the Texas Board of Nursing. On June 24, 2014, the suspension was Stayed and Petitioner was placed on Probation which required her to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement during its term. A copy of the February 21, 2014, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated herein by reference as part of this Order.
8. On or about June 17, 2014, Petitioner submitted a request for an exception to the Agreed Order issued to her on February 21, 2014, by the Texas Board of Nursing, seeking a limited license for non-clinical purposes in lieu of completing the February 21, 2014, Order.

#### 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(s) of 22 TEX. ADMIN. CODE §217.12(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 626029, heretofore issued to SHEILA GAYLE SCHMIDT, including revocation of Petitioner's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification, that PETITIONER SHALL receive the sanction of a LIMITED LICENSE, and PETITIONER 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.

The conditions outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

PETITIONER 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 Petitioner's multistate licensure privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's licenses are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, PETITIONER SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD PETITIONER desire to return to a clinical practice setting, which would require him to provide direct patient care, PETITIONER SHALL petition the Board for such approval, at which time, the PETITIONER MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the PETITIONER before re-issuance of an unencumbered license.

PETITIONER'S CERTIFICATION

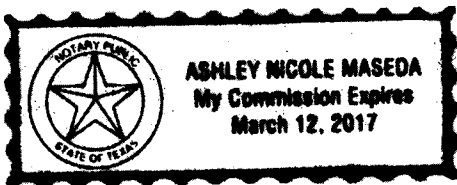
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 22nd day of July, 2014.  
Sheila Gayle Schmidt  
SHEILA GAYLE SCHMIDT, Petitioner

Sworn to and subscribed before me this 22nd day of July, 2014.

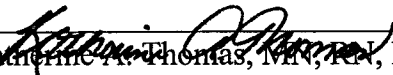
SEAL

Ashley Nicole Maseda  
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 22nd day of July, 2014, by SHEILA GAYLE SCHMIDT, Registered Nurse License Number 626029, and said Order is final.

Effective this 25th day of July, 2014.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 626029	§	
issued to SHEILA GAYLE SCHMIDT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHEILA GAYLE SCHMIDT, Registered Nurse License Number 626029, 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)(9)&(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 18, 2013.

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 a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on December 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on February 12, 1996.
5. Respondent's professional nursing employment history is unknown.
6. On or about March 22, 2011, Respondent was issued a CORRECTIVE ACTION by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law and Corrective Action, dated March 22, 2011, is attached and incorporated, by reference, as part of this Order.

7. On or about October 25, 2013, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she answered "Yes" to the question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)"

In a letter dated October 31, 2013, John J. Hopper, M.D., states that Respondent appeared for follow-up treatment for Major Depressive Disorder, PTSD, and Alcohol Dependence on October 22, 2013.

8. Respondent states a date of sobriety of August 26, 2013.
10. 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.
11. 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.
12. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
13. 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(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 626029, heretofore issued to SHEILA GAYLE SCHMIDT, 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 626029, previously issued to SHEILA GAYLE SCHMIDT, 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.

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, 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.

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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. 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.

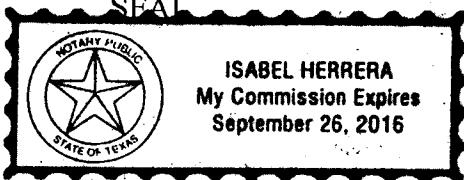
Signed this 27th day of January, 2014.

Sheila Gayle Schmidt

SHEILA GAYLE SCHMIDT, Respondent

Sworn to and subscribed before me this 27 day of January, 2014.

Isabel Herrera



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 the 27th day of January, 2014, by SHEILA GAYLE SCHMIDT, Registered Nurse License Number 626029, and said Order is final.

Effective this 21st day of February, 2014.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §     CORRECTIVE  
License Number 626029                     §  
issued to SHEILA GAYLE SCHMIDT         §     ACTION

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHEILA GAYLE SCHMIDT, Registered Nurse License Number 626029, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel and agreed to the entry of this Corrective Action offered on November 16, 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 was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel and agreed to the entry of this Corrective Action.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. On or about October 14, 2007, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
  - A. been convicted of a misdemeanor?
  - B. been convicted of a felony?

- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pr-trial diversion?
- H. been arrested or any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent failed to disclose, that on or about February 1, 2007, Respondent was arrested by the Seguin Police Department, Seguin, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense). On or about April 30, 2008, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on February 1, 2007), in the County Court at Law No. 2 of Guadalupe County, Texas, under Cause No. CCL070646. As a result of the conviction, Respondent was sentenced to confinement in the Guadalupe County Jail for a period of one hundred and eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine and court costs. On or about September 23, 2009, Respondent was discharged from probation.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 and 301.651-301.657, 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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
4. Respondent's conduct constitutes grounds for corrective action pursuant to Section 301.652, Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.32(2)(D).

#### CORRECTIVE ACTION

IT IS THEREFORE AGREED that RESPONDENT SHALL successfully complete the following requirements of this CORRECTIVE ACTION:

(1) 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.*

(2) RESPONDENT SHALL, within one (1) year of the date of this Corrective Action, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board; to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of this Corrective Action. 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Corrective Action, this matter shall be closed and this Corrective Action shall remain confidential. However, should Respondent fail to successfully complete the terms of this Corrective Action, this matter shall be terminated immediately and shall be treated as a disciplinary proceeding under Subchapter J, TEX. OCC. CODE. Further, should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Corrective Action shall be treated as prior disciplinary action.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Corrective Action. I waive representation by counsel. I have reviewed this Corrective Action. I neither admit nor deny the violation alleged herein. By my signature below, I agree to the entry of this Corrective Action and to successfully complete its conditions, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Corrective Action becomes effective, a copy will be mailed to me. I understand that if I fail to successfully complete the terms and conditions of this Corrective Action, I will be subject to investigation and disciplinary sanction, including possible revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15<sup>th</sup> day of March, 2011.

Sheila Schmidt / Sheila Gayle Schmidt  
SHEILA GAYLE SCHMIDT, Respondent

Sworn to and subscribed before me this 15<sup>th</sup> day of March, 2011.

Marina Ann Saldivar




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 impose this Corrective Action that was signed on the 15th day of March, 2011, by SHEILA GAYLE SCHMIDT, Registered Nurse License Number 626029.

Effective this 22nd day of March, 2011.

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

