

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 A. Harman
Executive Director of the Board

**In the Matter of
Permanent Registered Nurse
License Number 845278
Issued to FLORENCE ZELLA
HOLLINGSHEAD,
Respondent**

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

ORDER OF TEMPORARY SUSPENSION

**TO: FLORENCE HOLLINGSHEAD
15300 CUTTEN RD APT. 2220
HOUSTON, TX 77070**

A public meeting of the Texas Board of Nursing was held on March 17, 2020 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 845278, issued to FLORENCE ZELLA HOLLINGSHEAD 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 FLORENCE ZELLA HOLLINGSHEAD 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 charges are substantiated:

CHARGE I.

On or about January 23, 2020, Respondent was noncompliant with the Confidential Agreed Order for Peer Assistance Program issued by the Texas Board of Nursing on September 26, 2019. Noncompliance is the result of Respondent's failure to sign and execute the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement and complete the enrollment process. Stipulation I (B) of the Confidential Agreed Order for Peer Assistance Program reads, in pertinent part:

"Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process..."

On or about January 23, 2020, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by FLORENCE ZELLA HOLLINGSHEAD constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 845278, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 845278, issued to FLORENCE ZELLA HOLLINGSHEAD, 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 the seventeenth (17th) day 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 61st day following the date of the entry of this order.

Entered this 17th day of March, 2020.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

D4551(2020.02.18)

In the Matter of §
Permanent Registered Nurse § **BEFORE THE TEXAS**
License Number 845278 §
Issued to FLORENCE ZELLA §
HOLLINGSHEAD, § **BOARD OF NURSING**
Respondent

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, FLORENCE ZELLA HOLLINGSHEAD, is a Registered Nurse holding license number 845278 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 January 23, 2020, Respondent was noncompliant with the Confidential Agreed Order for Peer Assistance Program issued by the Texas Board of Nursing on September 26, 2019. Noncompliance is the result of Respondent's failure to sign and execute the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement and complete the enrollment process. Stipulation I (B) of the Confidential Agreed Order for Peer Assistance Program reads, in pertinent part:

"Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process..."

On or about January 23, 2020, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing.

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 TEX. ADMIN. CODE §217.12(9)&(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) and/or privilege(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.

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 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.

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.

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(s) of the Board dated September 26, 2019.

Filed this 17th day of March, 2020.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

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Attachment(s): Order(s) of the Board dated September 26, 2019.
D(2020.02.18)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § CONFIDENTIAL
Registered Nurse License Number 845278 § AGREED ORDER FOR
issued to FLORENCE ZELLA HOLLINGSHEAD § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FLORENCE ZELLA HOLLINGSHEAD, Registered Nurse License Number 845278, 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),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 17, 2018.

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 nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Lone Star College, Tomball, Texas, on May 11, 2013. Respondent was licensed to practice professional nursing in the State of Texas on October 1, 2013.
5. Respondent's nursing employment history includes:
10/2013 - 03/2014 Unknown
04/2014 - 05/2016 Registered Nurse Texas Cypress Creek Hospital Houston, Texas

Respondent's nursing employment history continued:

06/2016 - 08/2016	Unknown	
09/2016 - 04/2017	Registered Nurse	IntraCare North PHP Houston, Texas
05/2017 - 08/2017	Registered Nurse	Tomball Regional Medical Center Tomball, Texas
09/2017 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Tomball Regional Medical Center, Tomball, Texas, and had been in that position for approximately three (3) months.
7. On or about August 13, 2017, while employed as a Registered Nurse with Tomball Regional Medical Center, Tomball, Texas, Respondent lacked fitness to practice professional nursing in that she was found sleeping while sitting at the nurse's station in front of the computer. Respondent subsequently stated that she did not get any sleep last night and she was tired. Subsequently, Respondent was found sleeping in the break room with her head down on the table and her arms folded in front. After several attempts to wake Respondent, she mumbled incomprehensible words and finally picked up her head, but her eyes were still closed. Additionally, Respondent had staggering gait, had a hard time keeping her eyes open, had bloodshot eyes with dilated pupils, was not easily roused, had slurred speech, and was swaying side to side while sitting down. Respondent's condition 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 August 13, 2017, while employed as a Registered Nurse with Tomball Regional Medical Center, Tomball, Texas, Respondent engaged in the intemperate use of Benzodiazepine, Methamphetamine, and Alcohol (Ethanol) in that she produced a medical drug screen that resulted positive for Benzodiazepine, Methamphetamine, and Alcohol (Ethanol). The use of Benzodiazepine, Methamphetamine, and Alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she had difficulties sleeping due to emotional and financial turmoil resulting from having filed for divorce in July 2017. Respondent states that she worked on August 12, 2017, and she had a visit with a friend that evening and took a Lunesta prescribed by her doctor. Respondent states that she did not sleep at all Saturday evening and returned

to work the morning of August 13, 2017. Respondent states that she feared losing her job and based her decision to return to work that morning on that fear.

10. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
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. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to imtemperate use of controlled substances or 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 § 217.11(1)(A), (1)(B) & (1)(T) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (1)(E), (4), (5), (10)(A), (10)(D) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(b)(9), (10), (12) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 845278, heretofore issued to FLORENCE ZELLA HOLLINGSHEAD.
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.
6. 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.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply

with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. **Within forty-five (45) days** following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. **Within ninety (90) days** following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. 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;
- D. 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; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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 entry of this Order:**

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.

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. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VI. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the Respondent's conduct, as outlined in the findings of fact of this Order, result in subsequent judicial action, including a deferred disposition, Respondent may be subject to further disciplinary action, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.

VII. 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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 do 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 entry of this Order and all conditions of said 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 26th day of September, 2019.


FLORENCE ZELLA HOLLINGSHEAD, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 26th day of September, 2019, by FLORENCE ZELLA HOLLINGSHEAD, Registered Nurse License Number 845278, and said Order is final.

Effective this 26th day of September, 2019.



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