



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 970597	§	
issued to IRA SHANE FLOYD	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of IRA SHANE FLOYD, Registered Nurse License Number 970597, 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),(9)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 27, 2021.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Tarleton State University, Stephenville, Texas, on December 15, 2018. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 2019.
5. Respondent's nursing employment history includes:

6/2019 – 8/2019	Unknown	
8/2019 – Present	Registered Nurse	Shannon Medical Center San Angelo, Texas

6. On or about November 9, 2018, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through a Confidential Eligibility Agreed Order of the Board. A copy of the November 9, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the incident, Respondent was employed as a Registered Nurse with Shannon Medical Center, San Angelo, Texas, and had been in that position for one (1) year.
8. On or about August 17, 2020, while employed as a Registered Nurse with Shannon Medical Center, San Angelo, Texas, Respondent became noncompliant with the Confidential Eligibility Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on November 9, 2018. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that Respondent failed to abstain from the consumption of alcohol in that he produced a blood specimen for a random drug screen that resulted positive for Phosphatidyl Ethanol (PEth), which is a lipid formed in the presence Alcohol (ethanol). Respondent failed to comply with Section III, Stipulation D of the Confidential Eligibility Agreed Order for Peer Assistance Program dated November 9, 2018, which states, in pertinent part:

"D. PETITIONER SHALL comply with all requirements of the TPAPN participation agreement during its term..."

A copy of the Findings of Fact, Conclusions of Law, and Terms of the Order dated November 9, 2018, is attached and incorporated, by reference as part of this Order.

9. On or about October 16, 2020, October 19, 2020, October 22, 2020 and November 30 2020, while employed as a Registered Nurse with Shannon Medical Center, San Angelo, Texas, Respondent became noncompliant with the Confidential Eligibility Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on November 9, 2018. Noncompliance is the result of his failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that he failed to submit to drug screens when selected to test. Respondent failed to comply with Section III, Stipulation D of the Confidential Eligibility Agreed Order for Peer Assistance Program dated November 9, 2018, which states, in pertinent part:

"D. PETITIONER SHALL comply with all requirements of the TPAPN participation agreement during its term..."

A copy of the Findings of Fact, Conclusions of Law, and Terms of the Order dated November 9, 2018, is attached and incorporated, by reference as part of this Order.

10. In response to Finding of Fact Eight (8), Respondent admits to drinking after a long shift on a COVID-19 unit. Respondent states the pandemic has taken a toll on him mentally, physically, and emotionally. Respondent states he recognizes he should have chosen

differently and regrets his decision. Respondent states since the incident, he has taken steps for his continued sobriety. In response to Finding of Fact Nine (9), Respondent states he communicated his inability to test to his TPAPN case manager.

11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
12. Respondent successfully completed the Nursing Jurisprudence and Ethics course on January 9, 2020, which would have been a requirement of this order.

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)(A),(4),(5),(9),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 970597, heretofore issued to IRA SHANE FLOYD.
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. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 970597, previously issued to IRA SHANE FLOYD, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until
RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. 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.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. 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.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

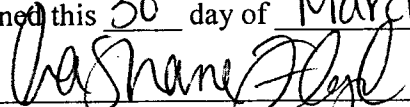
Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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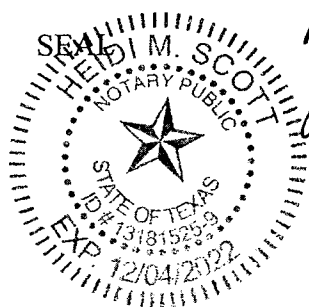
RESPONDENT'S CERTIFICATION

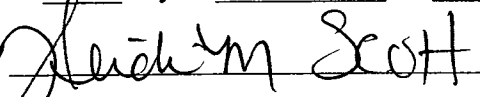
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30th day of March, 2021.


IRA SHANE FLOYD, RESPONDENT

Sworn to and subscribed before me this 30th day of March, 2021.





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 ratify and adopt the Agreed Order that was signed on the 30th day of March, 2021, by IRA SHANE FLOYD, Registered Nurse License Number 970597, and said Agreed Order is final.

Effective this 13th day of April, 2021.

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

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
IRA SHANE FLOYD,
PETITIONER for Eligibility for Licensure

§
§
§
§

CONFIDENTIAL ELIGIBILITY
AGREED ORDER FOR
PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Declaratory Order, herein referred to as the Petition, and supporting documents filed by IRA SHANE FLOYD, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be ineligible for licensure pursuant to Sections 301.452(b)(12) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Confidential Eligibility Agreed Order for Peer Assistance Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 25, 2018.

FINDINGS OF FACT

1. On or about July 20, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner was not enrolled in a Professional Nursing Program at the time of this petition.
3. Petitioner completed the Petition and answered Yes to the question which reads as follows:
"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"

4. Petitioner provided the following letters of support/recommendation to the Board:
 - A. Petitioner provided a letter dated August 3, 2018, from Geninice Johnson, BA, LCDC-I, Case Manager, of Greenhouse, Dallas, Texas. Ms. Johnson stated that Petitioner was admitted on April 25, 2018, to start his journey to wellness. Petitioner was an In-Patient at The Greenhouse Treatment Center in Grand Prairie, Texas. While at The Greenhouse, Petitioner was assigned to a primary therapist who addressed the underlying cause of his illness. He also worked with a supportive Multi-Disciplinary Treatment Team dedicated to providing comprehensive care. He participated in Daily Recovery-Oriented Individual and Group Therapy sessions; evidence-based Psycho-Education classes; Relapse Prevention; and developed a discharged planning continuum of care. Petitioner was an inpatient at The Greenhouse Treatment Center for thirty-one days. He progressed very well through treatment and successfully discharged on May 26, 2018.
5. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
6. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
7. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
8. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
10. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
11. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about July 20, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(12), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual who has a history of substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. 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.
8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. ELIGIBILITY FOR LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that the PETITION is hereby
GRANTED, and upon meeting the requirements for graduation of an appropriate program

in nursing education and payment of any required fees, PETITIONER is **ELIGIBLE** to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.
- B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, PETITIONER shall be issued the applicable license(s) to practice nursing in the State of Texas.
- C. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- D. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- E. As a result of this Order, PETITIONER'S license will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Confidential Eligibility Agreed Order for Peer Assistance Program.

III. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days following the date of licensure, PETITIONER SHALL apply to TPAPN.
- B. Within ninety (90) days following the date of licensure, PETITIONER 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), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. PETITIONER 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 in current status.
- E. PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IV. REMEDIAL EDUCATION COURSE(S)

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

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 and video programs will not be approved.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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.*

V. SUBSEQUENT CRIMINAL PROCEEDINGS

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

VI. CONFIDENTIALITY REQUIREMENTS

While PETITIONER 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 PETITIONER fail to successfully complete the terms of this Order or should PETITIONER 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.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Eligibility Agreed Order for Peer Assistance Program, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 Findings of Fact, Conclusions of Law, and Conditions of this Order to obtain disposition of my potential ineligibility for licensure through peer assistance.

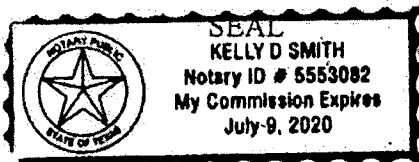
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 5th day of November, 2018.

Ira Shane Floyd
IRA SHANE FLOYD, Petitioner

Sworn to and subscribed before me this 5 day of November, 2018



Kelly D. Smith
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Confidential Eligibility Agreed Order for Peer Assistance Program that was signed on the 5th day of November, 2018, by IRA SHANE FLOYD, PETITIONER for Eligibility for Licensure, and said Confidential Eligibility Agreed Order for Peer Assistance Program is final.

Effective this 9th day of November, 2018.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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