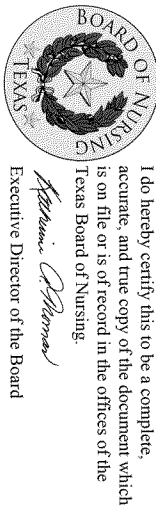


**In the Matter of
Permanent Registered Nurse
License Number 516688
Issued to SHANNON G STEWART,
Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE**

ORDER OF THE BOARD

TO: Shannon Stewart
10349 Fallen Leaf Dr.
Waco, TX 76712



During open meeting held in Austin, Texas, on December 14, 2021, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 516688, previously issued to SHANNON G STEWART to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 14th day of December, 2021

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed September 17, 2021

d17r(2021.11.19)

Re: Permanent Registered Nurse License Number 516688
Issued to SHANNON G STEWART
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of December, 2021, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,
Copy Via USPS First Class Mail

Shannon Stewart
10349 Fallen Leaf Dr.
Waco, TX 76712

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § **BEFORE THE TEXAS**
Permanent Registered Nurse §
License Number 516688 §
Issued to SHANNON G. STEWART, § **BOARD OF NURSING**
Respondent §

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHANNON G. STEWART, is a Registered Nurse holding license number 516688 which is in inactive 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 February 11, 2021, Respondent became non-compliant with the Confidential Eligibility Agreed Order for Peer Assistance Program issued to her on August 31, 2020 by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that she declined participation in the program. Consequently, TPAPN closed her case and referred her to the Texas Board of Nursing. Section III of the Confidential Eligibility Agreed Order for Peer Assistance Program dated August 31, 2020, states, in pertinent part:

"(A) Within forty-five (45) days following the date of re-licensure, APPLICANT SHALL apply to TPAPN.

(B) Within ninety (90) days following the date of re-licensure, APPLICANT 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), if licensed as a vocational nurse.

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

On or about February 11, 2021, Respondent was dismissed from TPAPN and referred back to the Board. A copy of the Findings of Fact, Conclusions of Law, and Order for Peer Assistance Program dated August 31, 2020, is attached and incorporated, by reference, as part of this pleading.

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 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 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.

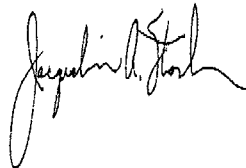
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on 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 August 31, 2020.

Filed this 17th day of September, 2021

TEXAS BOARD OF NURSING



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

Jena Abel, Deputy General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 24036103

Brian L. Miller, Jr., Assistant General Counsel
State Bar No. 24117478

JoAnna Starr, Assistant General Counsel
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600
John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated August 31, 2020.

D(2021.08.16)

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL ELIGIBILITY
SHANNON G. STEWART,	§	AGREED ORDER FOR
Registered Nurse License Number 516688,	§	PEER ASSISTANCE PROGRAM
APPLICANT for Reactivation of License	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the License Reactivation Application, hereinafter referred to as the Application, and supporting documents filed by SHANNON G. STEWART, hereinafter referred to as Applicant, requesting a determination of eligibility for licensure reactivation in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code, together with any documents and information gathered by staff and Applicant's Certification contained herein.

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

Applicant waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 1, 2020.

FINDINGS OF FACT

1. On or about April 23, 2020, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
2. Applicant waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Applicant received a Baccalaureate Degree in Nursing from University of Texas, San Antonio, Texas, on December 1, 1983. Applicant was licensed to practice professional nursing in the State of Texas on August 24, 1984.
4. Applicant's license to practice as a professional nurse in the State of Texas is in inactive status.

5. Applicant completed the Application 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?"*
6. In response to Findings of Fact Number Five (5), Applicant states she began drinking approximately 5-6 years ago. It progressed until her family and she recognized that she needed some professional help. It was at that time she entered into an inpatient facility on May 31, 2019, for a period of sixty (60) days. Upon discharge, Applicant's aftercare plan included 8 weeks of Intensive Outpatient Therapy, which she completed.
7. In a letter dated April 20, 2020 from Keith Horner, MD, Providence Family Health Clinic, he states that Applicant was previously in rehab for alcohol abuse. She completed rehab, attended all out patient follow ups and is currently in a support group and attends AA meetings. Dr. Horner feels that Applicant is ready and able to resume duties as a nurse and feels that she will be able to handle her work competently.
8. In a letter dated May 6, 2020 from Renee Segler-Dather, MS, LPC, LCDC, Enterhealth Ranch, she states as Applicant's therapist, she has taught Applicant new thought processes and behaviors to support a life in recovery and she has successfully maintained recovery to date. Applicant has excelled in meeting her treatment plan goals.
9. 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.
10. The Executive Director considered evidence of Applicant's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Applicant currently demonstrates the criteria required for licensure.
11. The Executive Director considered evidence of Applicant'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.
12. Applicant's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.
13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
14. Applicant 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.

15. Applicant 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 April 23, 2020, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
3. Applicant's history reflects conduct which may constitute grounds for denial of license reactivation 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 her 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 Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Applicant's license(s).
9. 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. REACTIVATION OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Application of SHANNON G. STEWART for Reactivation of License to practice nursing in the State of Texas be **GRANTED**, contingent upon APPLICANT meeting the following requirements:

- A. **APPLICANT SHALL apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Professional Registered Nursing**". **for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered nursing.** The application for the Six Month Temporary Permit is available via the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits. APPLICANT SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in professional registered nursing.
- B. **APPLICANT SHALL successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered nursing. APPLICANT MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment.** In order for the course to be approved, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. Home study courses and video programs will not be approved.
- C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for professional registered nursing,** APPLICANT SHALL return the temporary permit to the Board's office and APPLICANT SHALL

CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of APPLICANT'S successful completion of the refresher course, including the required 80 hours of supervised practice.

Upon verification of successful completion of the conditions as set out in Paragraphs A through C of this Section, if after April 23, 2021, APPLICANT SHALL resubmit a completed License Reactivation Form for Registered Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / RN - Reactivation form for a Licensed Registered Nurse. APPLICANT shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be reissued the applicable license(s) to practice nursing in the State of Texas, which shall be subject to the remaining terms of this Order.

II. COMPLIANCE WITH LAW

While under the terms of this Order, APPLICANT 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 FURTHER AGREED and ORDERED that APPLICANT SHALL comply with the following conditions for such a time as is required for APPLICANT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. Within forty-five (45) days following the date of relicensure, APPLICANT SHALL apply to TPAPN.

- B. **Within ninety (90) days** following the date of relicensure, APPLICANT 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, APPLICANT SHALL **waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.**
- D. APPLICANT 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. APPLICANT 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, APPLICANT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), APPLICANT 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. APPLICANT 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. CONFIDENTIALITY REQUIREMENTS

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

VI. EFFECT OF NONCOMPLIANCE

SHOULD APPLICANT 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 APPLICANT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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

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APPLICANT'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my application and disclosures. I further understand that subsequently discovered discrepancies in my application and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order.

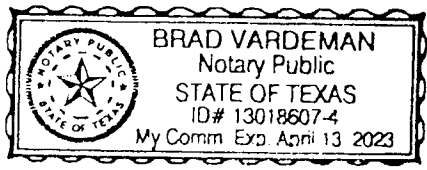
I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 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.

Signed this 20 day of August, 2020
Shannon G. Stewart
SHANNON G. STEWART, APPLICANT

Sworn to and subscribed before me this 20 day of August, 2020.

SEAL

Brad Varde
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 Confidential Eligibility Agreed Order for Peer Assistance Program that was signed on the 20th day of August, 2020, by SHANNON G. STEWART, Registered Nurse License Number 516688, APPLICANT for Reactivation of License, and said Confidential Eligibility Agreed Order for Peer Assistance Program is final.

Effective this 31st day of August, 2020.



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