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.
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 899113	§	
issued to RYAN MATTHEW SHUMAKE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RYAN MATTHEW SHUMAKE, Registered Nurse License Number 899113, 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)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on March 16, 2026.

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 suspended status.

4. Respondent received an Associate Degree in Nursing from Baptist health System School of Health Professions, San Antonio, Texas, on April 1, 2016. Respondent was licensed to practice professional nursing in the State of Texas on May 24, 2016.

5. Respondent's nursing employment history includes:

5/2016 – 2/2017	Registered Nurse	Baptist Health System San Antonio, Texas

Respondent's nursing employment history continued:

3/2017 – 5/2017	Unknown	Unknown
6/2017 – 8/2018	Registered Nurse	DaVita San Antonio, Texas
9/2018 – 10/2018	Unknown	Unknown
11/2018 – 10/2019	Registered Nurse	Health by Choice Spring Branch, Texas
9/2019 – 1/2020	Registered Nurse	Stone Oak Methodist Hospital San Antonio, Texas
2/2020 – Present	Unknown	Unknown

6. On or about October 8, 2020, Respondent's license to practice nursing in the State of Texas was Suspended and Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the October 8, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about March 15, 2022, Respondent became non-compliant with the Agreed Order issued to him by the Texas Board of Nursing on October 8, 2020. Non-compliance is a result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that Respondent failed to complete treatment as required. Section I, Stipulation E of the Agreed Order dated October 8, 2020, states:

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

   On or about March 15, 2022, Respondent was dismissed from TPAPN and referred to the Board.

8. In response to Finding of Fact Number Seven (7), Respondent admits to voluntarily withdrawing himself from the Texas Peer Assistance Program for Nurses (TPAPN) program, as he was not in the right place mentally, physically or professionally to continue. Respondent states he stepped away from the TPAPN program to focus on his well-being and sobriety.

9. Formal Charges were filed on January 22, 2026.

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(9)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 899113, heretofore issued to RYAN MATTHEW SHUMAKE.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 899113, previously issued to RYAN MATTHEW SHUMAKE, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

A. Completes an appropriate treatment program approved by the Board;

B. Provides documentation of successful completion; and

C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

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 a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.

E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.

F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

g. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

H. 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: *http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp*. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

V. 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 the suspension being stayed, 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.

B. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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.*

VI. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars ($500.00) within forty-five (45) days of the suspension being stayed.** 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.

VII. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-

call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which RESPONDENT is regularly assigned.

D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.

F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

G. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

H. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT

and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances**, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, RESPONDENT SHALL **submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances**. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE initially conducted through urinalysis, and subsequent testing or required re-tests, when applicable, may be obtained through blood, hair/nail, and/or breathalyzer, as directed by the Board's drug and alcohol testing program. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A

complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butabarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

C. While under the terms of this Order, RESPONDENT SHALL **attend at least two (2) support group meetings each week**, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board.

RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IX. FURTHER COMPLAINTS

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

X. 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. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of May, 2026.

Ryan Matthew Shumake
RYAN MATTHEW SHUMAKE, RESPONDENT

Sworn to and subscribed before me this 10th day of May, 2026.

SEAL

Dorothy Michel
Notary Public in and for the State of Texas

NOTARY PUBLIC · STATE OF TEXAS ·

Dorothy Michel

ID NUMBER
134720444
COMMISSION EXPIRES
January 18, 2028

Electronically signed and notarized online using the Proof platform.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of May, 2026, by RYAN MATTHEW SHUMAKE, Registered Nurse License Number 899113, and said Agreed Order is final.

Effective this 9th day of June, 2026.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 899113	§	
issued to RYAN MATTHEW SHUMAKE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RYAN MATTHEW SHUMAKE, Registered Nurse License Number 899113, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 5, 2020.

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 an Associate Degree in Nursing from Baptist Health System, San Antonio, Texas, on April 1, 2016. Respondent was licensed to practice professional nursing in the State of Texas on May 24, 2016.

5. Respondent's nursing employment history includes:

4/2016 – 2/2017	RN	Baptist Health System San Antonio, Texas

Respondent's nursing employment history continued:

3/2017 – 5/2017	Unknown	
6/2017 – 8/2018	RN	DaVita San Antonio, Texas
9/2018 – 10/2018	Unknown	
11/2018 – 10/2019	RN	Health by Choice Spring Branch, Texas
9/2019 – 1/2020	RN	Stone Oak Methodist Hospital San Antonio, Texas
2/2020 - Present		

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baptist Health System, San Antonio, Texas, and had been in that position for ten (10) months.

7. On or about November 28, 2016 through January 19, 2017, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Hydromorphone from the medication dispensing system for patients, but failed to document and/or completely and accurately document the administration of the medication in the patients' Medication Administration Records and/or nurse's notes. Respondent's conduct was likely to injure patients in that subsequent care givers would rely on his documentation to further medicate patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about November 28, 2016 through January 19, 2017, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Hydromorphone from the medication dispensing system, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about November 28, 2016 through January 19, 2017, while employed with Baptist Health System, San Antonio, Texas, Respondent misappropriated Morphine, Lorazepam, Hydrocodone, and Fentanyl in that he admitted he diverted the medications due to his addiction to prescription narcotics. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

10. On or about December 19, 2016, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Fentanyl from the medication dispensing system for a patient, but failed to document and/or completely and accurately document the administration of the medication in the patient's Medication Administration Record and/or nurse's notes. Respondent's conduct was likely to injure patients in that subsequent care givers would rely on his documentation to further medicate patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

11. On or about December 19, 2016, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Fentanyl from the medication dispensing system for a patient, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

12. On or about December 29, 2016, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Fentanyl from the medication dispensing system for a patient, but failed to document and/or completely and accurately document the administration of the medication in the patient's Medication Administration Record and/or nurse's notes. Respondent's conduct was likely to injure patients in that subsequent care givers would rely on his documentation to further medicate patients which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

13. On or about December 29, 2016, while employed with Baptist Health System, San Antonio, Texas, Respondent withdrew Fentanyl from the medication dispensing system for a patient, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medication. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

14. On or about January 19, 2017, while employed with Baptist Health System, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that he was observed shaking, his eyes were slightly red, and his speech was a little slow. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patient's conditions and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

15. On or about January 19, 2017, while employed with Baptist Health System, San Antonio, Texas, Respondent engaged in the intemperate use of Fentanyl in that he produced a specimen for a for cause drug screen that resulted positive for Fentanyl. Additionally, Respondent admitted he diverted Fentanyl due to his addiction to prescription narcotics.

16. On or about August 17, 2018, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent submitted a hair sample for a drug screen that resulted positive for Amphetamines, Opiates, Methamphetamines, Codeine, and 6-Monoacetylmorphine (MAM). Possession of Amphetamines, Opiates, and Codeine without a valid prescription is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patient's conditions and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

17. On or about December 11, 2019, while employed with Methodist Hospital, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that he exhibited signs of being under the influence of medication and subsequently submitted a urine specimen for a for cause drug screen that resulted positive for Amphetamines, Methamphetamines, Oxymorphone, and Buprenorphine. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patient's conditions and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

18. On or about December 12, 2019, while employed with Methodist Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Amphetamines, Methamphetamines, Oxymorphone, and Buprenorphine, in that you submitted a urine specimen for a for cause drug screen that resulted positive for Amphetamines, Methamphetamines, Oxymorphone, and Buprenorphine. Possession of Amphetamines, Oxymorphone, and Buprenorphine, without a valid prescription is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of Amphetamines, Methamphetamines, Oxymorphone, and Buprenorphine, by a registered nurse while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

19. On or about April 14, 2020, while participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent submitted a specimen for a random drug screen that resulted positive for Amphetamines and Methamphetamines. Possession of Amphetamines, without a valid prescription is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code. The use of Amphetamines and Methamphetamines, could impair the Respondent's ability to make rational, accurate, and appropriate decisions.

20. In response to Findings of Fact Numbers Seven (7) through Nineteen (19), Respondent acknowledges he has made many mistakes and has poorly represented the Nursing community by using drugs and diverting controlled substances in the workplace. Respondent states since his relapse he has completed a Partial Hospitalization Program and has obtained a sponsor with whom he has begun working though the 12 steps of Alcoholics Anonymous (AA). Respondent states he attends 4 AA meetings a week and has developed a strong sober support circle. Respondent also states he attended an IOP program and

graduated on June 4th, 2020. Additionally, Respondent is working with a Licensed Chemical Dependency Counselor twice weekly, attends an aftercare program weekly, and is moving into a sober living home to help strengthen his sober support circle and community. According to Respondent, he is dedicated to maintaining a strong program of recovery and is committed to staying sober. Respondent feels he is called to be a Nurse and will do whatever it takes to remain sober in order practice nursing and live out his dream every day as a Registered Nurse. Respondent requests to be admitted into the TPAPN program.

21. 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)(C),(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 899113, heretofore issued to RYAN MATTHEW SHUMAKE.

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 899113, previously issued to RYAN MATTHEW SHUMAKE, 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. 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 the suspension being stayed, 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), 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. 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 28 day of September 2020.

RYAN MATTHEW SHUMAKE, RESPONDENT

Sworn to and subscribed before me this 28 day of September, 2020.

SEAL

CHRISTINA LUERA
Notary Public, State of Texas
Comm. Expires 04-14-2021
Notary ID 129369501

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 28th day of September, 2020, by RYAN MATTHEW SHUMAKE, Registered Nurse License Number 899113, and said Agreed Order is final.

Effective this 8th day of October, 2020.

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