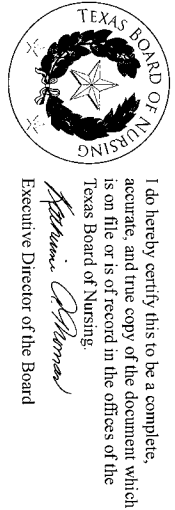


IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 190592  
ISSUED TO  
SHANA SHEREE SKUTCA

§  
§  
§  
§  
§  
§  
§

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



**ORDER OF THE BOARD**

TO: Shana Sheree Skutca  
PO Box 804  
Markham, Texas 77456

During open meeting held in Austin, Texas, on Tuesday, May 12, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 to practice vocational 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 Eligibility and Disciplinary 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 § 213.2(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 Certificate Number 190592, previously issued to SHANA SHEREE SKUTCA, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 190592, previously issued to SHANA SHEREE SKUTCA, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 12th day of May, 2009.

TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of May, 2009, a true and correct copy of the foregoing  
DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to  
the following person(s):

Shana Sheree Skutca  
PO Box 804  
Markham, Texas 77456

BY:



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

**In the Matter of Permanent License  
Number 190592, Issued to  
SHANA SHEREE SKUTCA, Respondent**

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

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHANA SHEREE SKUTKA, is a Vocational Nurse holding license number 190592, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### **CHARGE I.**

On or about May 16, 2008, while employed as a licensed vocational nurse with Matagorda House Healthcare Center, Bay City, Texas, Respondent engaged in the intemperate use of Benzodiazepines, in that she produced a specimen for a drug screen requested by Children's Protective Services, that resulted positive for Benzodiazepines. Possession of Benzodiazepines, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Benzodiazepines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.11(1)(A), (B) & (T), and 22 TEX. ADMIN. CODE § 217.12(1)(A), (B), (E), (4), (5), (10)(A) & (11)(B).

#### **CHARGE II.**

On or about May 21, 2008, while employed as a licensed vocational nurse with Matagorda House Healthcare Center, Bay City, Texas, Respondent misappropriated sixty (60) tablets of Xanax 0.25mg belonging to Patient Medical Record Number 5011, and three (3) tablets of Restoril 30mg belonging to Patient Medical Record Number 8046. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.12(1)(B), (4), (6)(G), (8) & (11)(B).

### **CHARGE III.**

On or about May 21, 2008, while employed as a licensed vocational nurse with Matagorda House Healthcare Center, Bay City, Texas, Respondent abandoned her 2:00 P.M. to 10:00 P.M. nursing assignment, without notifying the appropriate personnel. Respondent's conduct was likely to injure the patients, in that leaving the nursing assignment could have resulted in the patients not getting the care that they need.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(I), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4)&(12).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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.state.tx.us](http://www.bon.state.tx.us).

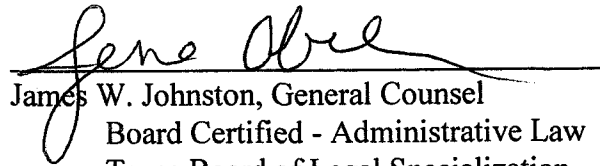
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder Lying and Falsification Fraud, Theft & Deception which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 23<sup>rd</sup> day of February, 2009.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

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