BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 674617 and Vocational Nurse	§	
License Number 124419	§	
issued to SHEILA MARIE WOLF	§	ORDER

TEXAS BOARD OF NURSING
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

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 674617 and Vocational Nurse License Number 124419, issued to SHEILA MARIE WOLF, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice professional nursing in the State of Texas is in current status. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

4. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas on December 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989. Respondent was licensed to practice professional nursing in the State of Texas on January 17, 2001.

5. Respondent's complete professional and vocational employment history is unknown.

6. On or about March 8, 2001, Respondent was arrested by the Lee County Sheriff's Office on a Theft/Check charge, Class B Misdemeanor. On May 16, 2001 Respondent was convicted in Giddings County Court at Law in Case Number 14322 and received a one (1) year probated sentence, plus a fine and court costs.

7. On or about May 16, 2001, Respondent was arrested by the Fayett County Sheriff's Office on a Theft/Check charge, Class B Misdemeanor. On July 17, 2001, Respondent was convicted in Fayett County Court at Law in Case Number 19244 and received a three (3) day jail sentence, plus a fine and court costs.

8. On or about June 25, 2003, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas in which Respondent provided false, deceptive, and/or misleading information, in that she answered "**No**" to the question:

   "Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation?"

   On or about March 8, 2001, Respondent was arrested by the Lee County Sheriff's Office on a Theft/Check charge, Class B Misdemeanor. On May 16, 2001 Respondent was convicted in Giddings County Court at Law in Case Number 14322 and received a one (1) year probated sentence, plus a fine and court costs.

   On or about May 16, 2001, Respondent was arrested by the Fayett County Sheriff's Office on a Theft/Check charge, Class B Misdemeanor. On July 17, 2001, Respondent was convicted in Fayett County Court at Law in Case Number 19244 and received a three (3) day jail sentence, plus a fine and court costs.

9. On or about June 24, 2007, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas in which Respondent provided false, deceptive, and/or misleading information, in that she answered "**No**" to the question:

   "Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal.....?"

   On or about March 8, 2001, Respondent was arrested by the Lee County Sheriff's Office on a Theft/Check charge, Class B Misdemeanor. On May 16, 2001 Respondent was convicted in Giddings County Court at Law, Case number 14322 and received a one (1) year probated sentence plus a fine and court costs.

   On or about May 16, 2001, Respondent was arrested by the Fayett County Sheriff's Office

on a Theft/Check charge, Class B Misdemeanor. On July 17, 2001 Respondent was convicted in Fayett County Court at Law, Case number 19244 and received a three (3) day jail sentence plus a fine and court costs.

10. On or about December 1, 2008 through February 4, 2009, while employed as a nurse with Silver Pines Nursing & Rehabilitation, Bastrop, Texas, Respondent misappropriated Hydrocodone/Norco from wasted/discontinued medications being held by her for destruction or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to deceive the facility and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

11. On or about August 31, 2009, while employed as a nurse with Country Care Plex, Giddings, Texas, Respondent withdrew Hydrocodone from the Medication Dispensing System for Patient V.S. and Patient L.A. in order to misappropriate the medications for her own personal use. Further, Respondent falsely documented that the medications had been administered in the patients' medical records. Respondent's conduct was deceiving to subsequent care givers who would have relied on her documentation to provide ongoing medical care. Furthermore, Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

12. On or about January 12, 2010, Respondent was indicted by the Lee County Grand Jury for two (2) counts of tampering with a governmental record with intent to harm or defraud another, State Jail Felonies, regarding the false documentation of the medications administered to patients V.S. and L.A. as indicated in Charge VI. On or about February 23, 2010 Respondent pled guilty to the offenses, "Tampering With a Governmental Record", Cause No. 7128 and "Tampering With a Governmental Record", Cause No. 7130, both State Jail Felonies, in the 21st Judicial District Court of Lee County, Texas. Respondent was assessed a punishment of two (2) years confinement in the Texas Department of Criminal Justice State Jail Facility, probated for Five (5) years with a fine and court costs.

13. Charges were filed on February 3, 2010.

14. Charges were mailed to Respondent on February 5, 2010.

15. First Amended Formal Charges were filed on May 13, 2010.

16. First Amended Formal Charges were mailed to Respondent on May 13, 2010.

17. Second Amended Formal Charges were filed on March 4, 2011.

18. Second Amended Formal Charges were mailed to Respondent on March 4, 2011.

19. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

20. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

21. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violations of Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code (effective September 1, 1999); Sections 302.402(a)(2)&(10) and 301.452(b)(2)& (10), Texas Occupations Code (effective September 1, 2001); Sections 301.452(b)(2),(3),(9)&(10), Texas Occupations Code (effective after 9/1/05) and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) and §217.12(22)&(23) (effective through 1/31/04) and 22TEX. ADMIN. CODE §217.12(6)(A)(G)(H)&(I), (8),(10)(B)&(E),(11)(B)&(13) (effective after 9/28/04).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 674617 and Vocational Nurse License Number 124419, heretofore issued to SHEILA MARIE WOLF, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Numbers 674617 and 124419 , heretofore issued to SHEILA MARIE

WOLF, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order and Respondent has obtained twelve (12) consecutive months of sobriety.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 1 day of April, 2011.

Sheila Marie Wolf

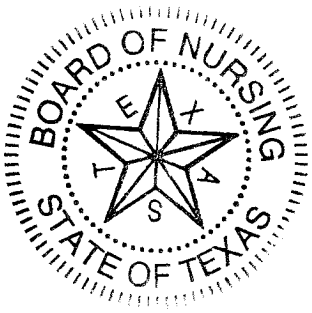
SHEILA MARIE WOLF, Respondent

Sworn to and subscribed before me this 1st day of April, 2011.

SEAL

Carolyn L. Burry #00001322
expiration date 01/21/2012
Notary Public in and for the State of Oklahoma

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 674617 and Vocational Nurse License Number 124419, previously issued to SHEILA MARIE WOLF.



Effective this 6th day of April, 2011.

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