BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 618890	§	
issued to SHAWN E. BEATY	§	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 Bo considered the matter of SHAWN E. BEATY, Registered Nurse License Number 618890, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 23, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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.

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

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Tarleton State University, Stephenville, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on June 30, 1995.

5. Respondent's professional nursing employment history includes:

95 - 96	Charge Nurse	Harris Methodist Erath County Stephenville, Texas

96 - 99	Charge Nurse	Lake Granbury Medical Center Granbury, Texas
99 - 02	Registered Nurse	Fort Worth Orthopedics & Sports Medicine Forth Worth, Texas
11/02 - 01/10	Charge Nurse	Lake Granbury Medical Center Granbury, Texas
02/10 - 4/10	Charge Nurse	Weatherford Regional Medical Center Weatherford, Texas
04/10 - present	Registered Nurse	Baylor Surgicare at Granbury Granbury, Texas
04/10 - present	Registered Nurse Part-time	Perioperative Nurse Inc. Arlington, Texas

6. On or about May 1, 2005, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question:

> "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest since the last renewal?"

Respondent failed to disclose, that on or about May 15, 2003, Respondent entered a plea of Nolo Contendere to THEFT $50-$500, (a Class B misdemeanor offense committed on January 12, 2003), in the County Court At Law, Hood County, Texas, under Cause No. 33060. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of four (4) months. Additionally, Respondent was ordered to pay a fine, court costs and restitution.

7. In response to Finding of Fact Number Six (6), Respondent states: He had gone to purchase an item from the pharmacy. Respondent states he knew the checkout clerk and felt embarrassed about the item he was intending to purchase, therefore, he opened the box and placed the items in his pocket. After realizing how foolish the event was, Respondent states he was planning on exchanging the open package but instead he was caught by store management. Police were called as a result of the item being over $50, Respondent was arrested and charged with theft.

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 618890, heretofore issued to SHAWN E. BEATY, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty ($250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 when this Order becomes final and the terms of this Order become effective, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23 day of Aug, 2010.

Shawn E. Beaty

SHAWN E. BEATY, Respondent

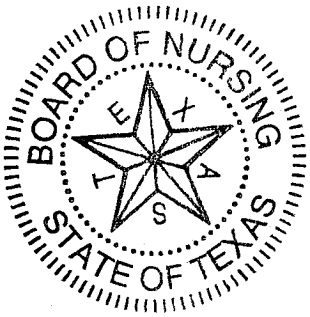
Sworn to and subscribed before me this 23rd day of August, 2010.

SEAL

Notary Public in and for the State of Texas

PATRICK DEVANEY
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
3-6-2012

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 23rd day of August, 2010, by SHAWN E. BEATY, Registered Nurse License Number 618890, and said Order is final.



Effective this 1st day of September, 2010.

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