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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License § AGREED
Number 532506 and Vocational Nurse §
License Number 82728 issued to §
SHANNON D. ACOSTA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of SHANNON D. ACOSTA, Registered Nurse License Number 532506 and Vocational Nurse License Number 82728, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 17, 2008, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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. Respondent holds a license to practice vocational nursing in the State of Texas which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Lubbock Vocational School of Nursing, Lubbock, Texas, on September 10, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979. Respondent received a Baccalaureate Degree in Nursing from Texas Tech University Health Sciences Center, Lubbock, Texas, on May 31, 1986. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 1986.

5. Respondent's professional employment history includes:

09/79 - 09/84	LVN/Staff Nurse	Methodist Hospital Lubbock, Texas
09/84 - 09/85	Charge Nurse	Methodist Hospital Lubbock, Texas
09/85 - 04/90	Staff Nurse	Methodist Hospital Lubbock, Texas
04/90 - 04/91	Supervisor CCL	Methodist Hospital Lubbock, Texas
04/91 - 01/94	Coordinator	University Medical Center Lubbock, Texas
01/94 - 01/95	Unknown	
01/95 - 04/97	RN Field Nurse	Care Team/Symphony Home Health Lubbock, Texas
04/97 - 11/00	RN Field Nurse RN Supervisor	Concepts of Care Home Health Lubbock, Texas
11/00 - 01/02	RN Field Nurse	Home Care Solutions Lubbock, Texas
02/02 - 12/03	Staff RN	Covenant Medical Center Lubbock, Texas
12/03 - 01/05	Staff RN	Lubbock Heart Hospital Lubbock, Texas
01/05 - Present	Unknown	

6. On April 6, 2006, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas, requiring her to participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Agreed Order dated April 6, 2006, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Staff Nurse with Lubbock Heart Hospital, Lubbock, Texas, and had been in this position for one (1) year.
8. On or about June 2, 2006, Respondent failed to comply with the Agreed Order issued to her on April 6, 2006, by the Board of Nurse Examiners for the State of Texas. Respondent's non-compliance was the result of her continued use of prescription narcotics due to medical condition. Stipulation Number Three (3) of the Agreed Order reads, in pertinent part:
 - (3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.
9. Respondent states that she has numerous medical conditions that have required treatment, surgery and hospitalizations. TPAPN required that Respondent return to work by June of 2008. Because of significant health problems, Respondent's physicians have not released her to work; nor does her current medical condition allow her to hold any full time position. Respondent states she would like to retain her license so she can be employed in a quality assurance or risk management position.

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)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9) & (11)(B).
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 532506 and Vocational Nurse License Number 82728, heretofore issued to SHANNON D. ACOSTA, including revocation of Respondent's professional license to practice 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 a LIMITED LICENSE with Stipulations, 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 multistate licensure privilege, if any, to practice nursing in compact states.

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 multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to SHANNON D. ACOSTA, to the office of the Texas Board of Nursing within ten (10) days from date of ratification of this Order.

(2) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(3) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 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 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 19th day of January, 2009.

Shannon Acosta

SHANNON D. ACOSTA, Respondent

Sworn to and subscribed before me this 19th day of January, 2009.



Lisa E. Moore

Notary Public in and for the State of Texas

Approved as to form and substance.

Ann Phillips Haag

ANN PHILLIPS HAAG, Attorney for Respondent

Signed this 19th day of January, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of January, 2009, by SHANNON D. ACOSTA, Registered Nurse License Number 532506 and Vocational Nurse License Number 82728, and said Order is final.

Effective this 10th day of March, 2009.


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