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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 §
Number 763376 and Vocational § AGREED
Nurse License Number 156327 § ORDER
issued to SHAWNEE MARIE MOLINA §

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of SHAWNEE MARIE MOLINA, Registered Nurse License Number 763376, and Vocational Nurse License Number 156327, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 19, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Hill College Johnson County Campus, Cleburne, Texas, on December 1, 1995, and received an Associate Degree in Nursing from Hill College, Cleburne, Texas on May 10, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on February 9, 1996, and was licensed to practice professional nursing in the State of Texas on December 30, 2008.

5. Respondent's nursing employment history includes:

02/1996 - 03/1996	Unknown	
04/1996 - 10/1997	Staff Nurse	West Community Hospital West, Texas
07/1996 - 12/1997	Charge Nurse	Town Hall Estates Hillsboro, Texas
12/1997 - 12/2000	Charge Nurse	Grandview Nursing Home Grandview, Texas
01/2001 - 05/2001	Unknown	
06/2001 - 08/2001	Treatment Nurse	Town Hall Estates Hillsboro, Texas
09/2001 - 09/2004	Unknown	
10/2004 - 05/2006	Staff Nurse	Hill Regional Hospital Hillsboro, Texas
02/2006 - Unknown	Relief Charge Nurse	Town Hall Estates Hillsboro, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Hill Regional Hospital, Hillsboro, Texas, and had been in this position for one (1) year and seven (7) months.
7. On or about May 10, 2006, while employed as a Staff Nurse with Hill Regional Hospital, Hillsboro, Texas, Respondent failed to administer morning medications to Patient Number 0114688 and Patient Number 0114703, as ordered and scheduled, and erroneously documented administration in the patient's medical records. Although Respondent indicated in the Medication Administration Records, the following day, that the medications were not administered, she failed to document the notations as late entries, and failed to document the reasons for the medications not being administered as ordered. Respondent's conduct was likely to injure patients from non-efficacious care and resulted in incomplete medical records.
8. On or about May 10, 2006, while employed as a Staff Nurse with Hill Regional Hospital, Hillsboro, Texas, Respondent engaged in the intemperate use of Vicodin in that she reported to work and performed her duties as a Vocational Nurse while under the influence of Vicodin, a controlled medication, for which she had a prescription. The use of Vicodin by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to

make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent explains that she did not administer morning medications to Patient Number 0114688 because the patient was having difficulty swallowing, which made feeding take longer, and she did not administer morning medications to Patient Number 0114703 because the patient was still eating, so Respondent placed each patient's medications in medication cups, labeled the cups with the patients' names and put the cups in the patients' medication boxes, intending to administer the medications later. Respondent states that the next day when she returned to work, she circled the times in the patients' Medication Administration Records to indicate that the medications were not administered, which she thought was proper. Respondent admits that she took Vicodin at 0500 hours that morning before her shift started because she was in severe pain from a root canal. According to Respondent, she did not "call in" because she had recently been counseled regarding attendance, was told not to miss another day, even if seen by a physician, and was afraid that she would lose her job if she failed to report to work. Respondent states that she "certainly didn't feel impaired" or think "she acted as such," and she thought she was following procedure by notifying her immediate supervisor at the very beginning of her shift and making sure the Unit Coordinator was also aware. Respondent states that after looking back, she understands that she should have called in, and although she didn't feel impaired, she still made some mistakes in her documentation and was forgetful. Respondent points out that it was a hectic day, which may have contributed to her mistakes. Respondent states that she is truly sorry for not using better judgement.
10. On or about May 10, 2008, Respondent completed a program of study for professional nursing that included the essential elements of medication administration, including didactic and clinical components, which would have been a requirement of this Order.
11. On or about May 10, 2008, Respondent completed a program of study for professional nursing that included the essential elements of documentation, which would have been a requirement of this Order.
12. On or about May 10, 2008, Respondent completed a program of study for professional nursing that included the essential elements of critical thinking, which would have been a requirement of this Order.

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 Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(T) and 217.12(1)(A),(1)(B),(1)(E),(4),(5)&(10)(A).
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 763376, and Vocational Nurse License Number 156327, heretofore issued to SHAWNEE MARIE MOLINA, including revocation of Respondent's licenses 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 WARNING 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 privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 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 deliver the wallet-sized vocational nurse license issued to SHAWNEE MARIE MOLINA, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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) contact 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF

UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A NURSING LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered 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 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.

(6) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month.

Specimens shall be screened for at least the following substances:

Amphetamines

Meperidine

Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
Tramadol Hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

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 period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licences and RESPONDENT shall be eligible for multistate licensure 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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of January, 2009.

Shawnee Marie Molina
SHAWNEE MARIE MOLINA, Respondent

Sworn to and subscribed before me this 16 day of January, 2009.

SEAL

Donna Garner

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of January, 2009, by SHAWNEE MARIE MOLINA, Vocational Nurse License Number 156327, and said Order is final.

Effective this 10th day of February, 2009.



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

