



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse §
License Number 185456, issued to § ORDER AGREED
SHIRLAINE LANDSBERG §

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 1854 issued to SHIRLAINE LANDSBERG, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. 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 West Georgia Technical College, Waco, Georgia, on September 20, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on September 6, 2002.
5. Respondent's vocational nursing employment history includes:

10/02 - 10/03	LVN	MHMR - Waco City Youth Waco, Texas
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Respondent's vocational nursing employment history continued:

10/03 - 06/04	LVN	Northwest Regional Hospital Corpus Christi, Texas
11/04 - 01/06	LVN	Maxim Healthcare Services Corpus Christi, Texas
02/06 - Present	Unknown	

6. At the time of the incidents in Findings of Fact Number Seven (7) and Eight (8), Respondent was employed as a Licensed Vocational Nurse with Maxim Healthcare Services, Corpus Christi, Texas, and had been in this position for one (1) year and two (2) months.
7. On or about January 26, 2006, while employed with Maxim Healthcare Services, Corpus Christi, Texas, Respondent lacked fitness to practice nursing in that while on duty Respondent exhibited erratic behavior, very jittery motions, and volatile emotions, which prompted her employer to request a specimen for a drug screen. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about January 26, 2006, while employed with Maxim Healthcare Services, Corpus Christi, Texas, Respondent engaged in the intemperate use of Cocaine in that Respondent submitted a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Vocational 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 the patient in potential danger.
9. On or about June 27, 2007, Respondent was convicted of the offense of "Possession of Controlled Substance PG1>=1G" a Third Degree Felony, in the District Court of Law, Nueces County, Texas, cause number 07000347-D. Respondent was sentenced to five (5) years probation and S.A.T.F. (Substance Abuse Treatment Facility) and assessed court costs/ fines in the amount of two thousand five hundred (\$2500) dollars.
10. On or about June 27, 2007, Respondent was convicted of the offense of "Evading Arrest Detention With Vehicle" a State Jail Felony, in the District Court of Law, Nueces County, Texas, cause number 07001901-D. Respondent was sentenced to five (5) years probation and S.A.T.F. and assessed court costs/ fines in the amount of one thousand five hundred (\$1500) dollars.

11. On June 28, 2007, Respondent was convicted of the offense of "Driving While Intoxicated" a class B Misdemeanor, in the County Court of Law, Nueces County, Texas, cause number 07004755-4. Respondent was sentenced to thirty (30) days in county jail and assessed a fine in the amount of two hundred ninety-nine (\$299) dollars.
12. On June 28, 2007, Respondent was convicted of the offense of "Fail to Identify, Giving False/Fictitious Information" a class B Misdemeanor, in the County Court of Law, Nueces County, Texas, cause number 07004664-4. Respondent was sentenced to twenty (20) days in county jail and assessed a fine in the amount of one hundred ninety-nine (\$199) dollars.
13. On June 28, 2007, Respondent was convicted of the offense of "Fail to Stop and Render Aid >= \$200 Damages" a class B Misdemeanor, in the County Court of Law, Nueces County, Texas, cause number 07004754-4. Respondent was sentenced to three (3) days in county jail and assessed a fine in the amount of one hundred ninety-nine (\$199) dollars.
14. On August 3, 2007, Respondent contacted the Board staff to self-report the above convictions and expressed a desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
16. 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.
17. 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 Section 301.452(b)(3)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E), (5), (10)(A)(D), (11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational License Number 185456, heretofore issued to SHIRLAINE LANDSBERG, including revocation of Respondent's vocational license 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 Vocational Nurse License Number 185456, heretofore issued to SHIRLAINE LANDSBERG, to practice nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a 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 objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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 multistate privilege, if any, to practice nursing in the State of Texas.

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.

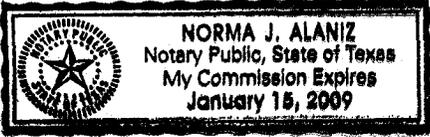
Signed this 29th day of August, 2009.

Shirlaine Landsberg
SHIRLAINE LANDSBERG, Respondent

Sworn to and subscribed before me this 29th day of August, 2009

SEAL

[Signature]
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Vocational Nurse License Number 185456, previously issued to SHIRLAINE LANDSBERG.

Effective this 7th day of September, 2007.



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