

BEFORE THE 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.
Patricia P. Thomas
Executive Director of the Board

In the Matter of Vocational Nurse License Number § AGREED
132607 issued to SHELENE CAROL JINES § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 132607, issued to SHELENE CAROL JINES, 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 is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas on December 21, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on May 30, 1991.
5. Respondent's complete vocational employment history includes:

6/91-1996	LVN	Cold Water Manor Stratford, Texas
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Respondent's complete vocational employment history continued:

Dates Unknown	LVN	Boys Ranch Clinic Boys Ranch, Texas
Dates Unknown	LVN	Dumas Nursing Center Dumas, Texas
8/03-12/04	LVN	Hansford Manor Spearman, Texas
1/05-11/06	LVN	Borger Healthcare Center Borger, Texas
12/06-Present	Unknown	

6. On or about April 20, 2006, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 20, 2006, is attached and incorporated, by reference, as part of this Order
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Borger Healthcare Center, Borger, Texas, and had been in this position for approximately one (1) year and eight (8) months.
8. On or about October 27, 2006, and October 29, 2006, while employed with Borger Healthcare Center, Borger, Texas, Respondent misappropriated Soma belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about October 30, 2006, while employed with Borger Healthcare Center, Borger, Texas, Respondent engaged in the intemperate use of hydromorphone and hydrocodone in that she produced a specimen for drug screening which resulted positive for hydromorphone and hydrocodone. Possession of hydromorphone and hydrocodone is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of hydromorphone and hydrocodone 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 the patient in potential danger.

10. On or about October 30, 2006, while employed with Borger Healthcare Center, Borger, Texas, Respondent became non-compliant with the Agreed Order issued by the Board of Nurse Examiners for the State of Texas on April 20, 2006. Non-compliance is the result of Respondent's failure to comply with all requirements of the TPAPN contract in that she submitted a specimen for a drug screen which resulted positive for hydromorphone and hydrocodone. Stipulation Number Three (3) of the Order dated April 30, 2006, states in pertinent part:

"RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."
11. On February 25, 2008, Respondent called the Board and voiced her desire to surrender her license. Respondent states she has not been employed in nursing for over a year and she is clean and everything is going great but feels that she needs to voluntarily surrender for now and possibly come back to nursing later.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
13. 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.
14. 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 violation of Section 301.452(b)(1), (9)&(10), and 22 TEX. ADMIN. CODE §217.12(5),(6)(G),(9),(10)(A)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 132607, heretofore issued to SHELENE CAROL JINES, including revocation of Respondent's license to practice vocational 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 License Number 132607, heretofore issued to SHELENE CAROL JINES, 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:

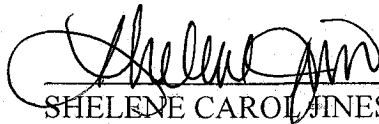
1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to SHELENE CAROL JINES, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself 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.
3. 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.
4. 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.

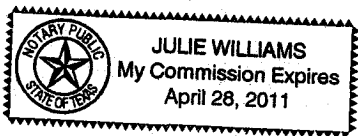
Signed this 13 day of March, 2008.




SHELENE CAROL JINES, Respondent

Sworn to and subscribed before me this 13 day of March, 2008.

SEAL





Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 132607, previously issued to SHELENE CAROL JINES.

Effective this 18th day of March, 2008.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	
License Number 132607	§	AGREED
issued to SHELENE CAROL JINES	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of SHELENE CAROL JINES, Vocational Nurse License Number 132607, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 302.402(a)(9)&(10) and 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 13, 2006, 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent completed a Vocational Nurse Program at Amarillo College, Amarillo, Texas, on December 21, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on May 30, 1991.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about May 24, 2003, and May 25, 2003, while employed with Coldwater Manor, Stratford, Texas, Respondent misappropriated Hydrocodone belonging to the facility. Respondent's conduct was likely to defraud the facility of the cost of the medications.
7. On or about May 24, 2003, and May 25, 2003, while employed with Coldwater Manor, Stratford, Texas, Respondent engaged in the intemperate use of Hydrocodone, in that Respondent produced a specimen for a drug screen which resulted positive for Hydrocodone. The possession of Hydrocodone is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Hydrocodone by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about January 20, 2004, while employed with Hansford Manor, Spearman, Texas, Respondent engaged in the intemperate use of Butalbital and Barbiturates in that Respondent produced a specimen for a drug screen which resulted positive for Butalbital and Barbiturates. The possession of Butalbital and Barbiturates is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Butalbital and Barbiturates by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about December 30, 2004, while employed with Hansford County Hospital District, Spearman, Texas, Respondent misappropriated Hydrocodone belonging to the facility. Respondent's conduct was likely to defraud the facility of the cost of the medications.
10. On or about December 30, 2004, while employed with Hansford County Hospital District (Hansford Manor), Spearman, Texas, Respondent engaged in the intemperate use of Opiates and Benzodiazepines in that Respondent produced a specimen for a drug screen which resulted positive for Opiates and Benzodiazepines. The possession of Opiates and Benzodiazepines is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Opiates and Benzodiazepines by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

12. 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.
13. Respondent's conduct described in Finding of Fact Numbers Six(6) through Ten(10) was significantly influenced by Respondent's dependency on chemicals.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 302.402(a)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(1)&(28).
4. The evidence received is sufficient to prove violation of Section 301.402(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G)&(10)(A)(D).
5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 132607, heretofore issued to SHELENE CAROL JINES, including revocation of Respondent's vocational license to practice nursing in the State of Texas.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 vocational 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 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

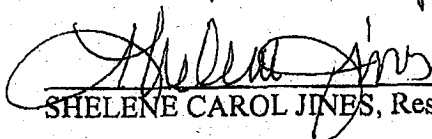
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RESPONDENT'S CERTIFICATION

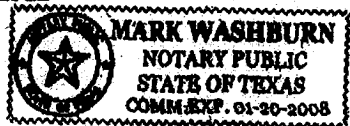
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.


Signed this 13 day of April, 2006.


SHELENE CAROL JINES, Respondent

Sworn to and subscribed before me this 13th day of April, 2006.

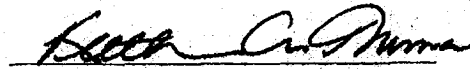
SEAL




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 and enter the Agreed Order that was signed on the 13th day of April, 2006, by SHELENE CAROL JINES, Vocational Nurse License Number 132607, and said Order is final.

Entered and effective this 20th day of April, 2006.



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