BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 578764	§	
issued to BETH BREWTON SHARPLESS	§	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 BETH BREWTON SHARPLESS, Registered Nurse License Number 578764, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 13, 2008, 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 holds a license to practice registered nursing in the State of Texas which is in delinquent status.

4. Respondent received an Associate Degree from University of South Carolina, Orangeburg, South Carolina, on May 1, 1982. Respondent was licensed to practice registered nursing in the State of Texas in March 16, 1992.

5. Respondent's nursing employment history is unknown to the Board at this time.

6. On or about July 14, 2004, Respondent entered a plea of Guilty and was convicted of FAILURE TO STOP AND GIVE INFORMATION(a Class B misdemeanor offense committed on September 15, 2003), in the County Court at Law No. 02 of Montgomery County, Texas, under Cause No. 04-192318. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

7. On or about February 4, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" to the following question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?" Respondent underwent in-patient treatment at Father Martin' ASHLEY, Havre De Grace, Maryland, from January 28, 2005 through February 25, 2007, for treatment of alcoholism and other chemical dependence.

8. 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.

9. 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.

10. Letter Dated December 19, 2007, from Dr. Bernadette Slounias, Medical Director for Father Martin's Ashley, Havre de Grace, Maryland, states that Respondent was a patient in the inpatient program for the treatment of alcoholism and other chemical dependence. Respondent was admitted on January 28, 2005, and discharged on February 25, 2005. Respondent participated in and successfully completed all aspects of the program, and demonstrated a willingness and desire for recovery.

11. Letter dated January 23, 2008, from Jonathan Paugh, LPC, LMFT, TEP, Clinical Supervisor with Montgomery Marriage & Family Center, The Woodlands, Texas, states that Respondent has been in psychotherapeutic treatment with him since January 2003. Respondent completed a 28 day treatment program at Father Martin's ASHLEY in Baltimore, Maryland, at my request. She has demonstrated an ability to gain insight and integrate learning from individual therapy and has been able to maintain her sobriety since that time. Respondent attends AA meetings once or twice weekly and maintains her support systems with diligence. Respondent has had no problems abusing or using other substances. She is currently preparing to terminate individual therapy. I am positive about her prognosis. She has a fantastic family support. Respondent has a work history as an excellent ICU nurse. I expect she is ready and will serve her profession honorably.

12. Respondent's conduct described in Findings of Fact Numbers Six (6) and Seven (7), resulted from Respondent's impairment by dependency on chemicals.

13. 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 violations of Section 301.452(b)(3), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

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 578764, heretofore issued to BETH BREWTON SHARPLESS, including revocation of Respondent's license to practice nursing in the State of Texas.

5. 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):

RESPONDENT SHALL deliver the wallet-sized license issued to BETH BREWTON SHARPLESS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry

of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 Texas Board of Nursing 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 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. 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 Texas Board of Nursing, 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 registered nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31st day of October, 2008.

Beth Brewton Sharpless, RN

BETH BREWTON SHARPLESS, Respondent

Sworn to and subscribed before me this 31st day of October, 2008.

SEAL DAWN D HOLMES
Notary Public
STATE OF TEXAS
My Comm. Exp. 04/09/2012

Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 31 day of October, 2008, by BETH BREWTON SHARPLESS, Registered Nurse License Number 578764, and said Order is final.

Entered and effective this 4th day of November, 2008.

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