

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number § AGREED
508789 and Vocational Nurse License Number 98201 §
issued to JANET LANELL (BERRY) SHEFFIELD § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 508789 and Vocational Nurse License Number 98201, issued to JANET LANELL (BERRY) SHEFFIELD, 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's license to practice professional nursing in the State of Texas is currently in inactive status and Respondent's license to practice vocational nursing is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 13, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 13, 1983. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.

5. Respondent's vocational and professional nursing employment history includes:

12/82-7/88	Unknown	
8/88-10/89	RN	Scott & White Hospital Temple, Texas
10/89-4/95	ADON	Red Cross Blood Services Waco, Texas
5/95-9/95	Unknown	
10/95-4/98	RN	Infusion Management Systems Dallas, Texas
3/98-11/98	RN	Scott & White Hospital Temple, Texas
12/98-12/03	RN	Hillcrest Baptist Hospital Waco, Texas
1/04-4/05	RN	Scott & White Hospital Temple, Texas
5/05-5/06	Unknown	
6/06-11/06	RN	VistaCare Hospice Waco, Texas
12/06-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a registered nurse with VistaCare Hospice, Waco, Texas, and had been in this position for approximately four (4) months.

7. On or about October 16, 2006, through October 27, 2006, while employed at VistaCare Hospice, Waco, Texas, Respondent misappropriated Morphine, Methadone, Hydrocodone and Lorazepam belonging to a patient 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.
8. On or about October 30, 2006, while employed at VistaCare Hospice, Waco, Texas, Respondent engaged in the intemperate use of Methadone and Morphine in that Respondent submitted a specimen for drug screening which resulted positive for Methadone and Morphine. Possession of Methadone and Morphine without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methadone and Morphine by a Registered 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. Respondent states she did misappropriate the above listed medications from a recently deceased patient in hospice care. Respondent states she did not dispose of the medication immediately and kept them. No patient in her care was ever without their prescribed medicine.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her licenses to practice nursing in the State of Texas.
11. 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.
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.

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)(9)&(10), Texas

Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(6)(G),(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 Registered License Number 508789 and Vocational License Number 98201, heretofore issued to JANET LANELL (BERRY) SHEFFIELD, including revocation of Respondent's licenses 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 Registered License Number 508789 and Vocational License Number 98201, heretofore issued to JANET LANELL (BERRY) SHEFFIELD, 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 licenses, heretofore issued to JANET LANELL (BERRY) SHEFFIELD, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the titles "registered nurse" or "vocational nurse" or the abbreviations "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or vocational nurse during the period in which the licenses are 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.

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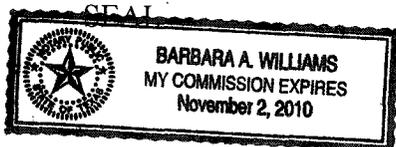
RESPONDENT'S CERTIFICATION

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 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 23 day of June, 2008

Janet LaNell Berry Sheffield
JANET LANELL (BERRY) SHEFFIELD, Respondent

Sworn to and subscribed before me this 23 day of June, 2008.



Barbara A. Williams
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 Registered Nurse License Number 508789 and Vocational Nurse License Number 98201, previously issued to JANET LANELL (BERRY) SHEFFIELD.

Effective this 25th day of June, 2008.



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