

BEFORE THE TENNESSEE BOARD OF NURSING

In The Matter of:)	
)	
SHONA PARKINS)	
R.N. License No. 198927)	Case No. 201900793
)	
Respondent)	

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Shona Parkins, R.N., (Respondent) hereby stipulate and agree, subject to approval by the Tennessee Board of Nursing (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises nurses licensed to practice pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-7-101, *et seq.* (Code), including the discipline of licensees, as well as those who are required to be licensed, who violate the Code and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1000-01-.01, *et seq.* (Rules). The Board enforces the Code and Rules to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of nursing care provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 198927 on May 21, 2014, which currently has an expiration date of December 31, 2020. In the application for licensure, Respondent stated she received a charge of Driving Under the Influence (DUI) in 2003. Respondent's registered nurse license is active and bears a multistate privilege to practice nursing

in states which have entered into the Interstate Nurse Licensure Compact.

2. From May 2017 until February 1, 2019, Respondent worked as a night shift nurse at Mountain Breeze, a supported living home with four (4) intellectually or developmentally disabled individuals.

3. On February 1, 2019, a drug and alcohol blood test was requested of the Respondent due to suspected impairment. Respondent was reported to be "staggering." The drug and alcohol blood test results were .344, which is four (4) times the legal limit to be adjudged impaired to operate a motor vehicle. Respondent admitted to ingesting vodka prior to reporting for her shift.

III. Stipulated Grounds for Discipline

The Stipulations of Fact are sufficient to establish that Respondent has violated TENN. CODE ANN. § 63-7-101, *et seq.*, for which disciplinary action by the Board is authorized.

4. The facts stipulated in paragraph three (3) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

- (C) Is unfit or incompetent by reason of negligence, habits or other cause;
- (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties;
- (F) Is guilty of unprofessional conduct;

5. The facts stipulated in paragraph three (3) constitute proof of Rule 1000-01-.13(1) of the TENN. COMP. R. & REGS , which defines "unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause" as including, but not limited to:

- (g) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any health care facility, school, institution or other work place location;

IV. Stipulated Disposition

6. Respondent's license to practice as a registered nurse in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is

hereby **SUSPENDED** and Respondent's multistate privilege to practice in any other party state is **VOID**.

7. Respondent may undergo an evaluation approved by the Tennessee Professional Assistance Program (TnPAP). If the results of the TnPAP approved evaluation recommend a return to practice with monitoring, then Respondent may sign a TnPAP monitoring agreement and obtain the advocacy of TnPAP.

8. Upon receipt of notification from TnPAP that Respondent has received a recommendation of return to practice and signed a monitoring agreement immediately prior to or during the period of suspension, the suspension shall be **STAYED** and the license shall be immediately placed on **PROBATION** on the following terms and conditions:

- A. The period of probation of Respondent's license shall run concurrent to his/her monitoring agreement with TnPAP, but in no event shall the period of probation be less than three (3) years. Should Respondent's monitoring agreement with TnPAP be extended, the term of probation of Respondent's license shall be extended to run concurrent with the new term of the TnPAP monitoring agreement.
- B. Respondent's failure to maintain 100% compliance with the terms of the monitoring agreement and the advocacy of TnPAP until the completion of the monitoring agreement and any amendments thereto will be a violation of probation and shall result in the immediate lifting of the stay of suspension of Respondent's license. If thereafter Respondent wishes to have his or her license reinstated, Respondent must appear before the Board's Application Review Committee (ARC) to obtain a recommendation for reinstatement and demonstrate his/her present ability to engage in the safe practice of nursing, which shall include, at minimum, a demonstration of two years of documented continuous sobriety. The Board reserves the right for ARC to recommend other reasonable

conditions of reinstatement at the time of appearance before ARC. If ARC does not recommend reinstatement, Respondent's license shall remain suspended. Respondent may not appear before ARC more than once in a twelve (12) month period.

9. Should Respondent obtain a TnPAP approved evaluation that recommends a return to practice but does not recommend a monitoring agreement with TnPAP, the suspension shall be immediately lifted and Respondent's license shall be placed on **PROBATION** for a period of three (3) years from the date of the receipt of notification from TnPAP of the evaluation results. Upon completion of probation, Respondent's license shall be returned to unencumbered status.

10. Respondent's multistate privilege to practice in any other party state shall remain **VOIDED** until such time as Respondent's license is no longer suspended or on probation.

11. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. Representations of Respondent

12. Respondent understands and admits the allegations, charges, and stipulations in this Order.

13. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.

14. Respondent agrees that presentation of this Order to the Board and the Board's

consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

15. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

16. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.


17. Respondent agrees that she has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

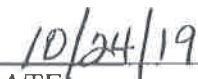
VI. Notice

18. The discipline in this Order is formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

19. A violation of this Order shall constitute a **separate violation**, pursuant to TENN. CODE ANN. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board, including revocation of Respondent's license.

APPROVED FOR ENTRY:


Shona Parkins
R.N. License No. 198927
Respondent


DATE

Mark Cole

Mark Cole (BPR # 020020)
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

11/20/19

DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Nursing at a public meeting of the Board and signed this *20th* day of *November*, 2019.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.

Maureen

Chairperson/Acting Chairperson
Tennessee Board of Nursing

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Shona Parkins, 1004 East Church Street, Greeneville, Tennessee 37745, by delivering same in the United States regular mail and United States certified mail, number 7018 3090 0002 0151 0157, return receipt requested, with sufficient postage thereon to reach its destination.

This 21 day of November, 2019.



Mark Cole
Assistant General Counsel