BEFORE THE WYOMING STATE BOARD OF NURSING

IN THE DISCIPLINARY MATTER OF
SHARON HANCOCK,
REGISTERED PROFESSIONAL NURSE,
LICENSE NO. RN 16046

) Docket No. 14-027 -- MTX

SETTLEMENT AGREEMENT, STIPULATION AND ORDER FOR
LETTER OF REPRIMAND OF REGISTERED PROFESSIONAL NURSE LICENSE

COMES NOW, the Disciplinary Committee, ("PETITIONER"), of the Wyoming State Board of Nursing ("Board"), and SHARON HANCOCK, RN ("RESPONDENT"), pursuant to Wyo. Stat. Ann. § 16-3-107(n) of the Wyoming Administrative Procedure Act ("WAPA") and Wyo. Stat. Ann. § 33-21-122(c)(ix) of the Nurse Practice Act ("NPA"), and Chapter 8, Section 5 [Disciplinary Committee and Investigations of the Administrative Complaint] of the Administrative Rules and Regulations of the Wyoming State Board of Nursing ("Board’s Rules"), do hereby enter into this Settlement Agreement, Stipulation and Order for Letter of Reprimand of Registered Professional Nurse License ("Agreement"), subject to approval by the Board.

FINDINGS OF FACT

1. RESPONDENT is a Registered Professional Nurse ("RN") in the State of Wyoming, holding license number RN 16046, which expires on December 31, 2016, as reflected by the records of the Board.

Factual Allegations RE: WSBN Docket No. 14-027

2. On or about August 14, 2014, Board staff received an administrative complaint with respect to RESPONDENT assigned Case No. 14-027, submitted by Allison Bower, Human Resources Representative at Wyoming Medical Center in Casper, Wyoming ("WMC"), which alleged practice beyond scope and misappropriation of client property. Specifically, Ms. Bower alleged that she received a complaint from Charlotte Crawford, RN on July 3, 2014. Ms. Crawford indicated that RESPONDENT brought her husband to the preoperative area on July 1, 2014, placed him on a gurney and approached Ms. Crawford. RESPONDENT indicated that she had taken her husband to the emergency room ("ER"), but was told the wait would be at least four (4) hours. RESPONDENT asked Ms. Crawford to start an Intravenous (IV), which Ms. Crawford refused to do. Ms. Crawford saw RESPONDENT and her husband, with an Intermittent Needle Therapy ("INT") in one of his hands, leaving shortly thereafter. On July 2, 2014, Ms. Crawford witnessed RESPONDENT carrying several bags of IV fluids and IV tubing into the kitchen off of the Post Anesthesia Care Unit ("PACU"). Ms. Crawford followed RESPONDENT and saw her put the fluids and supplies in her personal bag. When questioned by Ms. Crawford, RESPONDENT stated she was taking the supplies home to administer to her husband to keep from having to bring him back to the ER. RESPONDENT fully admitted to Ms. Bower to placing the IV access on July 1st and to taking IV fluids and supplies to treat her husband at home. RESPONDENT admitted that she had no physician order to do so and did not follow the proper channels to have her husband admitted and treated. RESPONDENT was terminated from employment on July 11, 2014.
3. By letter dated August 20, 2014, Board staff sent RESPONDENT a Notice of Complaint ("NOC") letter to her last known address according to the Board’s records, informing her of the above-referenced administrative complaint in Case No. 14-027 for possible violations of the NPA and the Board’s Rules.

4. On September 4, 2014, RESPONDENT provided a response to the Complaint admitting that she took IV supplies home for her husband and provided additional explanations. Specifically, RESPONDENT indicated that she acted out of character and in a panicked and grief stricken frame of mind. RESPONDENT also detailed her husband’s medical history that prompted her actions. RESPONDENT further indicated that she disputed that she violated the NPA because she did not harm a patient, did not benefit financially from her actions and did not act beyond her education and skill.

**Grounds for Disciplinary Action RE: WSBN Docket No. 14-027**


6. PETITIONER further alleges that RESPONDENT’s above-described conduct as set forth in Paragraph 2 hereinafore, if established by clear and convincing evidence at a contested case hearing, constitutes violations of Chapter 8, Section 3 the Board’s Rules [Grounds for Discipline], including performance of unsafe client care [Ch. 8, Sec. 3(a)(i)(l)]; and failure to conform to the standards of acceptable and prevailing nursing practice [Ch. 8, Sec. 3(a)(vii)].

**Recommendation for Discipline RE: WSBN Docket No. 14-027**

7. **Letter of Reprimand.** Violation of the foregoing statutory and rule provisions is subject to discipline of RESPONDENT’s RN License. PETITIONER has determined that a Letter of Reprimand is an appropriate alternative to the initiation of a formal disciplinary proceeding for other forms of discipline of RESPONDENT’s Registered Professional Nurse License No. RN 16046. PETITIONER further recommends at a minimum that within ninety (90) days of the effective date of this Agreement, RESPONDENT undergo the following training or similar training as otherwise approved by the Board:

   a. Coursework offered by the National Council of State Boards of Nursing, Inc ("NCSBN"), as follows:

   (x) "Disciplinary Actions: What Every Nurse Should Know," [4.8 contact hours], information of which is available online at the following web address: http://learningext.com/nurses/p/disciplinary_actions.aspx.
(x) “Nurse Practice Acts,” [2.0 contact hours], information of which is available online at the following web address: http://learningext.com/nurses/p/nurse_practiceActs.aspx.

b. In the event RESPONDENT does not provide documentation of completion of the coursework as provided above, RESPONDENT’s Registered Professional Nurse license, shall be suspended until completed or as otherwise provided by further order of the Board.

8. Authority for Disciplinary Recommendations. Such recommendations are authorized by Chapter 8, Section 5(c)(iii) of the Board’s Rules, which provides that PETITIONER, as the Disciplinary Committee, may “[r]ecommend the Board approve a settlement agreement in accordance with the Board’s authority set forth in the [NPA], the Board’s rules and regulations, and the Wyoming Administrative Procedure Act. Such agreements may include a voluntary surrender or a combination of suspension, the imposition of restrictions, conditions, reprimand, or other discipline[.]”

RESPONDENT’s Representations Regarding this Agreement

9. RESPONDENT represents that she has read this Agreement in its entirety, has had an opportunity to consult with counsel, fully understands the contents and requirements herein, and agrees to abide by the Order set forth herein, in lieu of a contested case hearing. By executing this Agreement, RESPONDENT waives her right to an administrative contested case hearing and all appeals in this matter pursuant to the WAPA [Wyo. Stat. Ann. §§ 16-3-101 et seq.], the NPA, the Board’s Rules, or any other applicable law or constitutional right.

10. Due and proper notice of this matter has been afforded to RESPONDENT, and RESPONDENT agrees she has not been subjected to undue influence, pressure or coercion by PETITIONER, the Board, its staff, or the Office of the Attorney General, and that she is entering into this Agreement under her own free will after having the opportunity to obtain advice from an attorney regarding the consequences of entering into this Agreement.

11. RESPONDENT further understands this Agreement shall be submitted to the Board which may either approve or reject the Agreement. Should the Board reject the Agreement, RESPONDENT shall have an opportunity to request a contested case hearing in accordance with the WAPA, the NPA, and the Board’s Rules.

12. If the Board does not approve this Agreement and a contested case hearing takes place as a consequence, RESPONDENT further represents and agrees that she does not object to the Board’s hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Agreement and its contents.

13. RESPONDENT further understands this Agreement is a disciplinary action and shall become a permanent part of her record with the Board. By signing this Agreement, RESPONDENT further understands that this Agreement is a public record, and is, therefore, subject to reporting, disclosure, inspection and dissemination in accordance with all federal and state laws, as well as agreements with other jurisdictions or entities, and publication as provided below.

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CONCLUSIONS OF LAW

1. Paragraphs 1 through 13 of the Findings of Fact are incorporated herein by reference.

Jurisdiction


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4. The Board concludes that RESPONDENT’s conduct as set forth in Paragraph 2 hereinabove, if established by clear and convincing evidence at a contested case hearing, constitutes violations of Chapter 8, Section 3 the Board’s Rules [Grounds for Discipline], including performance of unsafe client care [Ch. 8, Sec. 3(a)(i)(1)]; and failure to conform to the standards of acceptable and prevailing nursing practice [Ch. 8, Sec. 3(a)(vi)].

5. The applicable statutory and rule provisions referenced in the previous paragraphs are fully cited as follows:


(a) The board of nursing may . . . suspend or revoke the license, certificate or temporary permit of any person, or to otherwise discipline a licensee or certificate holder, upon proof that the person:

(i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined by board rules and regulations; *

(iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to: *

(B) . . . failure to conform to the essential standards of acceptable and prevailing nursing practice, in which case actual injury need not be established[.]

(ix) Has been found by the board to have violated any of the provisions of this act or of board rules and regulations; [and]

(x) Has knowingly engaged in an act which the licensee knew was beyond the scope of the individual's nursing practice prior to committing the act, or performed acts without sufficient education, knowledge, or ability to apply nursing principles and skills].

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Chapter 8, Section 3 [Grounds for Discipline] of the Board’s Rules:

(a) The Board may take disciplinary action against a licensee for the following acts or conduct: **

(vii) Failure to conform to the standards of acceptable and prevailing ... nursing practice or the CNA role, in which case actual injury need not be established[.]

Disciplinary Authority

6. Pursuant to Chapter 8, Section 5(d) [Disciplinary Committee and Investigations of the Administrative Complaint] of the Board’s Rules, the Board may resolve a complaint by: "(i) Approving the recommendations of the DC; [or] (ii) (ii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may: * • [•] (C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for violation of any provision of the NPA or the Board Rules."

7. The Board concludes, therefore, that violation of the foregoing statutory and rule provisions is subject to discipline of RESPONDENT’s Registered Professional Nurse License. However, for the reasons expressed related to PETITIONER’s recommendations described in Paragraph 10 of the Findings of Fact heretoforeabove, a formal reprimand of RESPONDENT’s Registered Professional Nurse License No. RN 16046 for discipline, is an appropriate alternative to a disciplinary proceeding and appropriate pursuant to the aforementioned statutory and regulatory provisions.

ORDER

IT IS THEREFORE HEREBY SETTLED, STIPULATED AND ORDERED:

1. **Board Acceptance of Agreement.** The Board accepts this Agreement, which constitutes formal discipline of RESPONDENT’s Registered Professional Nurse License No. RN 16046, based on all Findings of Fact and Conclusions of Law set forth in this Agreement.

2. **Letter of Public Reprimand.** This Agreement constitutes a REPRIMAND of RESPONDENT’s Registered Professional Nurse License No. RN 16046.

3. **Required Training.** In addition, RESPONDENT agrees, along with the reprimand, to complete training described in this paragraph, and provide Petitioner with proof of completion within ninety (90) days of the effective date of this Agreement

   a. Courses offered by the NCSBN, or the substantial equivalent, which shall require prior approval by PETITIONER:

      (x) "Disciplinary Actions: What Every Nurse Should Know," [4.8 contact hours].

      (x) "Nurse Practice Acts," [2.0 contact hours].

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b. In the event RESPONDENT does not provide documentation of completion of the coursework as provided above, RESPONDENT’s Registered Professional Nurse License No. RN 16046, shall be suspended until completed or as otherwise provided by further order of the Board.

4. **Reportable Disciplinary Action by Board.** This Agreement constitutes authorized disciplinary action of the Board and, as such, shall become a part of RESPONDENT’s permanent record with the Board. It, as well as the information that is part of Case/Docket No. 14-027, constitutes public records within the meaning of the Wyoming Public Records Act [Wyo. Stat. Ann. §§ 16-4-201 et seq.] and, therefore, upon proper request shall be available for inspection and dissemination in accordance with or except as otherwise provided by applicable state and/or federal law, and the reprimand of RESPONDENT’s Registered Professional Nurse License No. RN 16046, for discipline, shall be reported to such public or private entities as required by law. These entities may include the National Practitioner Data Bank (“NPDB”), the Office of Inspector General (“OIG”), and the NCSBN which may be accessed under the “NURSYS” web portal, by authorized persons or entities.

5. **Publication of Discipline.** This Agreement shall be subject to publication on the Board’s website and a summary of the disciplinary action described therein shall be published in an issue of the Board’s quarterly publication, the *Wyoming Nurse Reporter* (“WNR”), following the Board’s approval of the Agreement.

6. **Continuing Jurisdiction.** The Board shall retain continuing jurisdiction in this matter to take further action as may be necessary to conclude this matter or other actions permitted by law.

7. **Waiver of Contested Case Hearing.** RESPONDENT’s execution of this Agreement includes her full waiver of any contested case hearing to which she is entitled pursuant to the NPA and the WAPA.

8. **Effective Date.** This Agreement shall become effective upon full and complete execution by all signatories below. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. Signatures, originally signed by hand, but transmitted via e-mail or fax shall also be deemed valid and binding original signatures.

9. **Enforcement.** This Agreement shall be enforceable in the Laramie County District Court in and for the State of Wyoming according to the laws of the State of Wyoming.

10. **Entire Agreement.** RESPONDENT’s execution of this Agreement includes her representation and acknowledgement that she has read and understands the terms and conditions of this Agreement, has been given an opportunity to consult and/or has consulted with counsel of her choice, and accordingly voluntarily enters into this Agreement of her own choosing and shall be bound by the terms and conditions thereof, until the Board issues any order to the contrary. RESPONDENT has been given no additional inducement to enter into and execute this Agreement. Should any portion of
this Agreement be judicially determined to be void, illegal or unenforceable, the remainder of the Agreement shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

AGREED TO AND ACCEPTED BY RESPONDENT

I, Sharon Hancock, RESPONDENT herein, swear that I have read the foregoing Agreement and agree to its terms and conditions as provided above.

[Signature]

SHARON HANCOCK

STATE OF Wyoming
COUNTY OF Natrona

Date: 1/14/15

The foregoing document was subscribed and sworn to before me by Sharon Hancock, personally known to me or having established his/her identity by means of sufficient documentation, purporting to be the person signing the document, and the signature on the foregoing document was made in my presence, on the 14th day of January, 2015.

My Commission Expires: July 21, 2019

[Signature]

Alexa M. Meeboer - Notary Public

[Notary Seal]

[ADDITIONAL SIGNATURES APPEAR ON FOLLOWING PAGE]
AGREED TO AND ACCEPTED BY PETITIONER, DISCIPLINARY COMMITTEE:

Cynthia LaBonde, MN, RN
Executive Director
Wyoming State Board of Nursing

Date: 2/5/15

APPROVED BY AND FOR THE WYOMING STATE BOARD OF NURSING:

President or President’s designee

Date: 4/15/15

APPROVED AS TO FORM:

Robert J. Walters
Senior Assistant Attorney General
Attorney for PETITIONER

William B. Pilger, Esq.
Kline Law Office
Attorney for RESPONDENT