ARIZONA STATE BOARD OF NURSING
1651 East Morten Avenue, Suite 210
Phoenix, Arizona 85020
602-889-5150

IN THE MATTER OF PRACTICAL NURSE LICENSE NO. LP038979 AND NURSING ASSISTANT CERTIFICATE NO. CNA999952518 ISSUED TO:

DEANNA RAE SHUGART,
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER NO. 0412116

On January 25, 2006, the Arizona State Board of Nursing (“Board”) considered the State’s Motion to Deem Allegations Admitted and Recommended Discipline and Respondent’s Response to the Motion, if any, at the Arizona State Board of Nursing Conference Room, 1651 E. Morten Avenue, Suite 210, Phoenix Arizona 85020. Daniel R. Christl, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On January 25, 2006, the Board granted the State’s Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1663(G) and Notice of Charges No. 0412116 filed in this matter, the Board adopts the following Findings of Fact, Conclusions of Law, and REVOKES Respondent’s practical nurse license and nursing assistant certificate.

FINDINGS OF FACT

1. Deanna Rae Shugart (“Respondent”) holds Board issued practical nurse license no. LP038979, and expired nursing assistant certificate no. CNA999952518.

2. The Board has authority pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664 to impose disciplinary sanctions against the holders of nursing licenses for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -1667.
3. As an employee of Cornerstone Registry, Respondent was assigned patient care duties at Heritage Health Care from on or about December 24, 2004 to on or about December 25, 2004.

4. J. Howley, CNA, reported Respondent had been asleep for several hours during the night and could not be awakened to perform patient care duties.

5. At approximately 0530 on December 25, 2004, I. Amos, night shift LPN, witnessed Respondent asleep in the facility.

6. At approximately 0545 on December 25, 2004, A. Alvarado, RN, day shift charge nurse, witnessed Respondent asleep in the facility. After Respondent was awakened and told to report to the nursing station to give change of shift report, A. Alvarado again found Respondent asleep in the facility.

7. Alert and oriented residents H.K. and E.B. said Respondent had not administered their morning insulin injections, which was confirmed by the day shift staff. Involved staff and resident H.K. signed the complaint letter as witnesses to the information contained in this finding of fact.

8. Respondent’s conduct fell below the standard of care by sleeping on duty and failing to timely administer medications, thereby placing the patients at risk for harm.

9. Respondent failed to respond to Board correspondence sent on January 24, 2005, March 2, 2005, and June 10, 2005. No mail returned as undeliverable, and no current phone number is available.

CONCLUSIONS OF LAW

1. The conduct and circumstances alleged in the Findings of Fact constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(d) and (j), and A.A.C. R4-19-403 (6), (25).

2. The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664 (N) to suspend or revoke the license and certificate of Deanna
Rae Shugart to practice as a practical nurse or certified nursing assistant in the State of Arizona.

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board hereby REVOKES practical nurse license number LP038979 and nursing assistant certificate number CNA999952518 issued to Deanna Rae Shugart.

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Arizona State Board of Nursing. The motion for rehearing or review shall be made to the attention of Susan Barber, R.N., M.S.N., Arizona State Board of Nursing, 1651 E. Morten, Ste. 210, Phoenix AZ 85020. For answers to questions regarding a rehearing, contact Susan Barber at (602) 889-5161. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial review of this decision.

This decision is effective upon expiration of the time for filing a request for rehearing or review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

Respondent may apply for reinstatement of said license pursuant to A.A.C. R4-19-404 after a period of five years. Respondent may apply for reinstatement of said certificate pursuant to R4-19-815 after a period of five years.

DATED this 25th day of January 2006.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director
COPIES mailed this 3rd day of February 2006, by Certified Mail No. 7001 1940 0003 4511 3780 and First Class Mail to:

Deanna Rae Shugart  
2056 W Sunshine Butte Dr  
Queen Creek AZ 85242

COPIES mailed this 3rd day of February 2006, by Certified Mail No. 7001 1940 0003 4511 3797 and First Class Mail to:

Deanna Rae Shugart  
1320 N McQueen Rd Apt 2137  
Chandler AZ 85225

COPIES of the foregoing mailed this 3rd day of February 2006, to:

Daniel R. Christl  
Assistant Attorney General  
1275 W Washington  
Phoenix AZ 85007

By: Vicky Driver