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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **SEAN NELSON SHIELDS** 2323 N. 29th Place Phoenix, Arizona 85008 Registered Nurse License No. 615240 Respondent.	Case No. 2008-223 **ACCUSATION**

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

Registered Nurse License

2. On or about March 12, 2003, the Board of Registered Nursing issued Registered Nurse License Number 615240 ("license") to Sean Nelson Shields ("Respondent"). The license expired on July 31, 2004.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.
>
> (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

7. Respondent has subjected his license to disciplinary action under Code section 2761, subdivision (f), in that on November 7, 2006, in the Superior Court of Arizona, Maricopa County, in the matter entitled *State of Arizona vs. Sean Nelson Shields* (Sup. Ct. 2006, Case No. CR2006-129655-001 DT), Respondent was convicted on his plea of guilty of violating A.R.S., sections 13-1401, 1410, 3821, 610, 604.01, 702, 702.01, 801, and 1001 (Attempted Molestation of a Child), a Class 2 felony and dangerous crime against children. The circumstances of the crime are that on or about May 25, 2006, Respondent instructed his 7- year old son M.S. to touch Respondent's genital area.

SECOND CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

8. Respondent's license is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has been disciplined by The Arizona State Board of Nursing (hereafter "Board"). Effective January 11, 2007, pursuant to the Consent for Entry of Voluntary Surrender Order filed by the Board, attached hereto as **Exhibit "A"** and incorporated herein, Respondent voluntarily surrendered his Arizona Professional Nurse License Number RN081753. The basis for discipline was that Respondent was convicted of attempted molestation of a child, as more particularly set forth in paragraph 7, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 615240, issued to Sean Nelson Shields;

2. Ordering Sean Nelson Shields to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 1/23/08

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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pms (12/11/07)

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street, Suite 200
Phoenix AZ 85014-3653
602-889-5150

IN THE MATTER OF PROFESSIONAL NURSE LICENSE NO. RN081753 ISSUED TO: SEAN N SHIELDS RESPONDENT	**CONSENT FOR ENTRY OF VOLUNTARY SURRENDER ORDER NO. 0611110**

A complaint charging SEAN N SHIELDS, ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders his license for a minimum of 5 years.

Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN081753.

2. On or about September 11, 2006, in Maricopa County Superior Court Case Number CR2006-129655-001-DT, Respondent was convicted of attempted molestation of a child, a class 3 felony and dangerous crime against children.

CONCLUSIONS OF LAW

Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(16),(b), (d), (h), (j), (l), and A.A.C. R4-19-403(B), (2), (28), (29), and (31).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) and 32-1664(N) to take disciplinary action against Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that he has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between the Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that he may not reapply for reinstatement during the period of Voluntary Surrender.

Respondent agrees that he may apply for reinstatement after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for reinstatement:

The application for reinstatement must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the application for reinstatement is considered.

Respondent

Date: 1/3/07

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: 1/11/07

Huff/RN081753

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ORDER

Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN081753 issued to SEAN N SHIELDS. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of 5 years.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour, R.N., M.N.
Executive Director

Dated: 1/11/07

JR/trh:

Mailed this 29th day of December, 2006, by First Class Mail to:

Sean Shields
2323 N. 29th Place
Phoenix, Az 85008

Sean Shields, Booking #P244084
Towers Jail
Floor 1, House 4, Pod A, Cell 3, Bed 1
3127 W. Gibson Lane
Phoenix, Az 85009

By: Thereasa Huff

RECEIVED A.S.B.N.
07 JAN -9 PM 12:58

Executed COPY mailed this 11th day of January, 2007, by First Class Mail to:

Sean Shields
2323 N. 29th Place
Phoenix, Az 85008

Sean Shields, Booking #P244084
Towers Jail
Floor 1, House 4, Pod A, Cell 3, Bed 1
3127 W. Gibson Lane
Phoenix, Az 85009

By: Thereasa Huff