



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 619767 §
& Vocational Nurse License Number 100398 §
issued to STEPHEN F RACE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEPHEN F RACE, Registered Nurse License Number 619767, and Vocational Nurse License Number 100398, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(9)&(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 2, 2012.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Central Texas College, Austin, Texas, on December 22, 1982 and Respondent received a Baccalaureate Degree in Nursing from University of Texas, Austin, Texas, on May 1, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1983. Respondent was licensed to practice professional nursing in the State of Texas on July 7, 1995.

5. Respondent's professional nursing employment history is unknown.
6. On or about March 23, 2007, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas, in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes". You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that, on or about February 9, 2006, Respondent was arrested Travis County Sheriff's Office, Austin, Texas, and subsequently charged with DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on February 9, 2006, in the County Court at Law No. 7, Travis County, Texas, under Cause No. 724741. Charge was still pending at the time of Renewal.

7. In response to Finding of Fact Number Six (6), Respondent states following his wife's death in 2006, he became an alcoholic. The arrest for DWI resulted in a dismissal; however, he plead Guilty to Failure to Display Driver's License. He attended AA for several months but stopped the program and continued to drink on his days off from nursing. Respondent admits he did not report this history on his 2007 license renewal.
8. On or about August 22, 2008, Respondent plead Guilty and was convicted of ELUDING, a Class B misdemeanor offense December 1, 2007, in the 403rd District Court, Travis County, Texas, under Cause No. D-1-DC-07-207142. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of two (2) days and ordered to pay court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states he pled Guilty to a misdemeanor offense. He was trying to park his car and he assumed when he heard a man yell, "Hey!" that he was doing something wrong. He instantly assumed that he was obstructing the attempted start up of the ambulance, whipped his car around and entered the alley. Soon a police officer approached and accused him of recognizing and evading him then choosing his parking place to hide from him. He was informed that the officer's truck was a police car not an ambulance. He was then arrested.

10. On or about February 17, 2009, Respondent submitted a Licensed Renewal Form to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
 - B. been convicted of a felony?
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or have any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that, on or about August 22, 2008, Respondent plead Guilty and was convicted of ELUDING, a Class B misdemeanor offense December 1, 2007, in the 403rd District Court, Travis County, Texas, under Cause No. D-1-DC-07-207142.

11. In response to Finding of Fact Number Ten (10), Respondent admits he did not report the arrest on his 2007 renewal.
12. On or about August 18, 2011, Respondent plead Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on September 30, 2010, in the County Court at Law No. 6, Travis County, Texas, under Cause No. C1CR10217651. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one hundred twenty (120) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine.
13. In response to Finding of Fact Number Twelve (12), Respondent states he was arrested on September 30, 2010, for DWI. He remains sober and will continue to attend AA and work the twelve (12) steps since October 5, 2010.
14. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. 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.

16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2), (9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 619767, and Vocational Nurse License Number 100398, heretofore issued to STEPHEN F RACE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

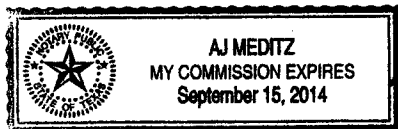
Signed this ~~16th~~^{14th} day of December, 2012.

Stephen F. Race

STEPHEN F RACE, RESPONDENT

Sworn to and subscribed before me this 14 day of DECEMBER, 2012.

SEAL



A. J. Meditz

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 and enter the Agreed Order that was signed on the ___
14 day of December, 2012, by STEPHEN F RACE, Registered Nurse License Number 619767,
and Vocational Nurse License Number 100398, and said Order is final.

Entered and effective this 18 day of December, 2012.



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