



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.  
*Patricia A. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Registered Nurse License Number 708441 §  
issued to STEVEN W NEWTON §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 708441, issued to STEVEN W NEWTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on July 26, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 29, 2004.

4. Respondent's complete professional nursing employment history includes:

07/04-04/10	RN	Medical Center Hospital Odessa, Texas
05/10-09/10	Unknown	
10/10-08/11	RN	Odessa Regional Medical Center Odessa, Texas

Respondent's nursing employment history continued:

08/11-01/12	RN	Valley Healthcare Denton, Texas
02/12-06/12	RN	Select Speciality Hospital of Midland Midland, Texas
07/12-Present	Unknown	

5. Formal Charges were filed on November 6, 2013. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on November 6, 2013.
7. On November 11, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 11, 2013, is attached and incorporated herein by reference as part of this Order.
8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. 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.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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 §217.11(1)(A),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(6)(G),(8),(10)(B),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 708441, heretofore issued to STEVEN W NEWTON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 708441, heretofore issued to STEVEN W NEWTON, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

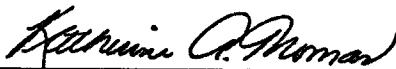
1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this day 12th of November, 2013.

TEXAS BOARD OF NURSING

By:



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

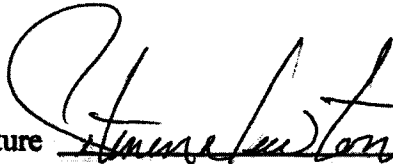
STEVEN W NEWTON  
1100 EAST CO RD 140  
MIDLAND, TX 79706  
Registered Nurse License Number 708441

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature



Date

11-11-13

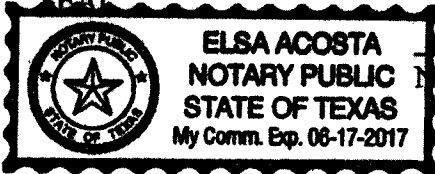
Registered Nurse License Number 708441

The State of Texas

Before me, the undersigned authority, on this date personally appeared STEVEN W NEWTON who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 11 day of November, 2013.

SEAL



  
Notary Public in and for the State of TEXAS

In the Matter of,  
Permanent Registered Nurse  
License Number 708441  
Issued to STEVEN W NEWTON,  
Respondent

§  
§  
§  
§  
§

BEFORE THE TEXAS

BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEVEN W NEWTON, is a Registered Nurse holding License Number 708441, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about May 18, 2012, through June 2, 2012, while employed as a Registered Nurse with Select Specialty Hospital of Midland, Midland, Texas, Respondent withdrew Clonazepam, Hydromorphone, Fentanyl, Alprazolam, Morphine Sulfate, Lorazepam, Hydrocodone and Pregabalin from the medication dispensing system for patients, but failed to document, or completely and accurately document, the administration of the medications, including signs, symptoms and responses to the medications in the patients' medication administration records and/or nurses notes, as follows:

Patient	Date	Time	Medication	MAR	Nurses Notes	Waste	Order
2489	05/18/12	0915	Hydromorphone hcl inj 2mg (2)	None	None	None	Dilaudid 3mg IVP Q4H PRN Pain
2489	05/18/12	335P	Hydromorphone hcl inj 2mg (2)	None	None	None	Dilaudid 3mg IVP Q4H PRN Pain
2499	05/18/12	343P	Morphine 8mg Inj (1)	None	None	None	Morphine 4mg IV Q3H PRN Pain
2489	05/23/12	634P	Hydromorphone hcl inj 2mg (2)	None	None	None	Dilaudid 3mg IVP Q4H PRN Pain
2402	05/26/12	421P	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10/325 1-2 tab PO Q6H PRN Pain
2499	05/26/12	558P	Morphine 8mg Inj (1)	None	None	None	Morphine 4mg IV Q3H PRN Pain
2402	05/27/12	1034	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10/325 1-2 tab PO Q6H PRN Pain
2499	05/28/12	336P	Morphine 8mg Inj (1)	None	None	None	Morphine 4mg IV Q3H PRN Pain

2508	05/31/12	0924	Hydrocodone/APAP 7.5/325 (2)	None	None	None	Hydrocodone 7.5/325 1 tab PO Q4H PRN Pain
2489	05/31/12	1003	Clonazepam .5mg tab (1)	None	None	None	Clonazepam .5mg PO/PT BID
2519	05/31/12	1032	Fentanyl 25mcg Patch (1)	None	None	None	Fentanyl Patch 25 mcg Change Q72H
2519	05/31/12	1033	Pregabalin 25mg (2)	None	None	None	Lyrica 25mg cap PO TID
2519	05/31/12	1034	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2519	05/31/12	408P	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2519	05/31/12	454P	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2489	05/31/12	454P	Hydromorphone hcl 2mg tab (4)	None	None	None	Dilaudid 8mg per tube Q4H PRN Pain
2489	05/31/12	609P	Hydromorphone hcl 2mg tab (4)	None	None	None	Dilaudid 8mg per tube Q4H PRN Pain
2519	06/01/12	0739	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2519	06/01/12	0951	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2508	06/01/12	0952	Hydrocodone/APAP 7.5/325 (1)	None	None	None	Hydrocodone 7.5-325 1 tab PO Q4H PRN Pain
2489	06/01/12	1000	Clonazepam .5mg tab (1)	None	None	None	Clonazepam .5mg PO/PT BID
2489	06/01/12	1001	Fentanyl 100mcg Patch (1)	None	None	None	Fentanyl 150mcg topical Q72H
2489	06/01/12	1001	Fentanyl 50 mcg Patch (1)	None	None	None	Fentanyl 150mcg topical Q72H
2521	06/01/12	313P	Hydrocodone/APAP 7.5/325 (1)	None	None	None	Norco 7.5 PO Q4H PRN Pain
2519	06/01/12	313P	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2519	06/02/12	0702	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10-325 PO Q6H
2519	06/02/12	0702	Hydrocodone/APAP 10/325 (1)	None	None	None	Hydrocodone 10-325 PO Q6H
2521	06/02/12	0757	Hydrocodone/APAP 7.5/325 (1)	None	None	None	Norco 7.5 PO Q4H PRN Pain
2508	06/02/12	0921	Hydrocodone/APAP 7.5/325 (2)	None	None	None	Hydrocodone 7.5-325 1 tab PO Q4H PRN Pain

2489	06/02/12	0936	Alprazolam .5mg tab (1)	None	None	None	Xanax .5mg per tube Q6H PRN anxiety
2489	06/02/12	0940	Hydromorphone hcl 2mg (4)	None	None	None	Dilaudid 8mg per tube Q4H PRN Pain
2519	06/02/12	0951	Hydrocodone/APAP 10/325 (2)	None	None	None	Hydrocodone 10/325 PO Q6H
2489	06/02/12	1242	Hydromorphone hcl 2mg (4)	None	None	None	Dilaudid 8mg per tube Q4H PRN Pain

Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose. Respondent's conduct also placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.11(1)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE § 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(10)(B)&(11)(B).

### CHARGE II.

On or about May 18, 2012, through June 1, 2012, while employed as a Registered Nurse with Select Specialty Hospital of Midland, Midland, Texas, Respondent withdrew Clonazepam, Hydromorphone, Fentanyl, Alprazolam, Morphine Sulfate, Lorazepam, Hydrocodone and Pregabalin from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

Patient	Date	Time	Medication	MAR	Nurses Notes	Waste	Order
2489	05/18/12	0717	Hydromorphone Inj 2mg (2)	0715 (3mg)	None	None	Dilaudid 3mg IVP Q4H PRN Pain
2499	05/18/12	0841	Morphine 8mg Inj (1)	0845 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2499	05/18/12	113P	Morphine 8mg Inj (1)	1415 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2521	05/26/12	0716	Hydrocodone/APAP 7.5/325 (2)	0730 (1tab)	None	None	Norco 7.5 PO Q4H PRN Pain
2521	05/26/12	252P	Hydrocodone/APAP 7.5/325 (2)	1500 (1tab)	None	None	Norco 7.5 PO Q4H PRN Pain
2499	05/27/12	1033	Morphine 8mg Inj (1)	1030 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2402	05/27/12	1159	Hydrocodone/APAP 10/325 (2)	1200 (1 tab)	None	None	Hydrocodone 10/325 1-2 tab PO Q6H PRN Pain



2499	05/27/12	504P	Morphine 8mg Inj (1)	1700 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2499	05/28/12	0812	Morphine 8mg Inj (1)	0815 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2499	05/28/12	1219	Morphine 8mg Inj (1)	1230 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2402	05/28/12	1220	Hydrocodone/APAP 10/325 (2)	1200 (1 tab)	None	None	Hydrocodone 10/325 1-2 tab PO Q6H PRN Pain
2499	05/28/12	604P	Morphine 8mg Inj (1)	1805 (4mg)	None	None	Morphine 4mg IV Q3H PRN Pain
2402	05/28/12	604P	Hydrocodone/APAP 10/325 (2)	1800 (1 tab)	None	None	Hydrocodone 10/325 1-2 tab PO Q6H PRN Pain
2514	05/31/12	0717	Morphine Sulfate 5mg Inj (1)	0730 (2mg)	None	None	Morphine 2mg IV Q2H PRN Pain/Agitation
2514	05/31/12	1018	Morphine Sulfate 5mg Inj (1)	1050 (2mg)	None	None	Morphine 2mg IV Q2H PRN Pain/Agitation
2508	06/01/12	0805	Hydrocodone/APAP 7.5/325 (2)	0805 (1 tab)	None	None	Hydrocodone 7.5/325 1 tab PO Q4H PRN Pain
2521	06/01/12	1227	Hydrocodone/APAP 7.5-325 (1)	1300 (1tab)	None	None	Norco 7.5 PO Q4H PRN Pain

Respondent's conduct left medication unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE § 217.11(1)(A), (1)(B) & (1)(D), and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (1)(C), (4), (6)(A), (10)(B), (10)(C) & (11)(B).

### CHARGE III.

On or about May 18, 2012, through June 2, 2012, while employed as a Registered Nurse with Select Specialty Hospital of Midland, Midland, Texas, Respondent falsely documented he had administered Clonazepam, Hydromorphone, Fentanyl, Alprazolam, Morphine Sulfate, Hydrocodone and Pregabalin to patients in their medication administration records; however, the medications were not withdrawn from the medication dispensing system associated with the documented times of administration, as follows:

Patient	Date	Time Withdrawn	Medication Documented as Administered	MAR	Nurses Notes	Order
2489	05/18/12	None	Hydromorphone 3mg	1330	None	Hydromorphone 3mg IV Q4H PRN

2499	05/18/12	None	Morphine 4mg IVP	1730	None	Morphine 4mg IV Q3H PRN Pain
2489	05/18/12	None	Hydromorphone 3mg	1740	None	Hydromorphone 3mg IV Q4H PRN
2499	05/26/12	None	Morphine 4mg IVP	0720	None	Morphine 4mg IV Q3H PRN Pain
2521	05/26/12	None	Hydrocodone/APAP 7.5/325	1115	None	Norco 7.5 PO Q4H PRN Pain
2519	05/31/12	None	Fentanyl 25mcg Patch	0900	None	Fentanyl Patch 25mcg Change Q72H
2519	05/31/12	None	Pregabalin 50mg	0900	None	Lyrica 25mg cap BO TID
2489	05/31/12	None	Clonazepam .5mg	0900	None	Clonazepam .5mg PO BID
2519	05/31/12	None	Pregabalin 50mg	1500	None	Lyrica 25mg cap BO TID
2519	05/31/12	None	Hydrocodone/APAP 10/325 tab	1800	None	Hydrocodone 10/325 PO Q6H
2489	06/01/12	None	Clonazepam .5mg	0900	None	Clonazepam .5mg BID
2489	06/01/12	None	Fentanyl 150 mcg Patch	0900	None	Fentanyl 150mcg change Q75H
2519	06/01/12	None	Hydrocodone/APAP 10/325 1 tab	1200	None	Hydrocodone 10/325 PO Q6H
2519	06/01/12	None	Hydrocodone/APAP 10/325 1 tab	1800	None	Hydrocodone 10/325 PO Q6H
2519	06/01/12	None	Pregabalin 50mg	1500	None	Lyrica 25mg cap BO TID
2489	06/02/12	None	Hydromorphone 8mg	0830	None	Dilaudid 8mg per Tube Q4H PRN Pain
2519	06/02/12	None	Hydrocodone/APAP 10/325 1 tab	1200	None	Hydrocodone 10/325 PO Q6H
2521	06/02/12	None	Alprazolam .5mg	1750	None	Xanax .5 POQ6H PRN Anxiety
2521	06/02/12	None	Hydrocodone/APAP 7.5/325	1700	None	Norco 7.5 PO Q4H PRN Pain

Respondent's conduct created an inaccurate medical record, defrauded the facility and patients thereof of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A),(6)(H),(10)(B)&(11)(B).

**CHARGE IV.**

On or about May 18, 2012, through June 2, 2012, while employed as a Registered Nurse with Select Specialty Hospital of Midland, Midland, Texas, Respondent misappropriated Clonazepam, Hydromorphone, Fentanyl, Alprazolam, Morphine Sulfate, Lorazepam, Hydrocodone and Pregabalin belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(G),(8)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses; reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

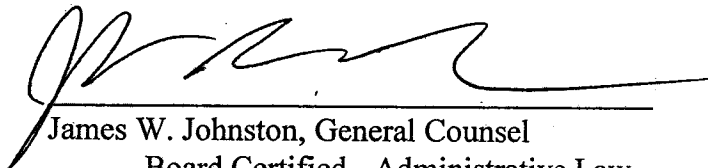
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 6 day of November, 2013.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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TEXAS BOARD OF NURSING

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D/2012.06.19