



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

**In the Matter of  
Permanent Vocational Nurse  
License Number 216173  
Issued to YOLANDA MACHEL STEPHNEY,  
Respondent**

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**BEFORE THE TEXAS  
BOARD OF NURSING**

**ORDER OF TEMPORARY SUSPENSION**

**TO: YOLANDA MACHEL STEPHNEY  
PO BOX 261  
BECKVILLE, TX 75631**

A public meeting of the Texas Board of Nursing was held on July 21, 2014 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 216173, issued to YOLANDA MACHEL STEPHNEY was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of YOLANDA MACHEL STEPHNEY and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about June 13, 2014, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on November 5, 2013, which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Noncompliance is the result of Respondent submitting a specimen for a drug screen that produced a positive result for Alcohol on or about May 15, 2014. Additionally, Respondent admitted to drinking, stating "yesterday I had three beers." Respondent also failed to enroll in treatment as recommended, and allowed her account with Recovery Trek to be suspended. Stipulation Number Three (3) of the Agreed Order dated July 26, 2012, states in pertinent part:

- (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.

On or about June 13, 2014, Respondent's case was closed with TPAPN for noncompliance and was referred to the Board for further disposition.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by YOLANDA MACHEL STEPHNEY constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 216173, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

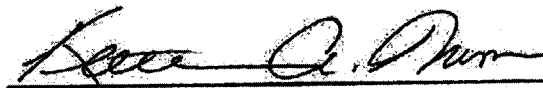
NOW, THEREFORE, IT IS ORDERED that, Permanent Vocational Nurse License Number 216173, issued to YOLANDA MACHEL STEPHNEY, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 21<sup>st</sup> day of July, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

**In the Matter of  
Permanent Vocational Nurse  
License Number 216173  
Issued to YOLANDA MACHEL STEPHNEY,  
Respondent**

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**BEFORE THE TEXAS  
BOARD OF NURSING**

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, YOLANDA MACHEL STEPHNEY, is a Vocational Nurse holding License Number 216173, 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 June 13, 2014, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on November 5, 2013, which required her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). Noncompliance is the result of Respondent submitting a specimen for a drug screen that produced a positive result for Alcohol on or about May 15, 2014. Additionally, Respondent admitted to drinking, stating "yesterday I had three beers." Respondent also failed to enroll in treatment as recommended, and allowed her account with Recovery Trek to be suspended. Stipulation Number Three (3) of the Agreed Order dated July 26, 2012, states in pertinent part:

- (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.

On or about June 13, 2014, Respondent's case was closed with TPAPN for noncompliance and was referred to the Board for further disposition.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(3),(4),(10)(D)&(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).

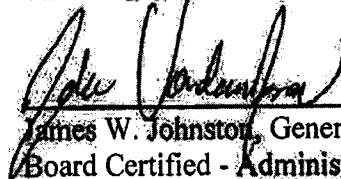
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated November 5, 2013.

Filed this 21<sup>st</sup> day of July, 2014.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated November 5, 2013  
D/2014.05.23

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § CONFIDENTIAL AGREED ORDER  
Vocational Nurse License Number 216173 § FOR  
issued to YOLANDA MACHEL STEPHNEY § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of YOLANDA MACHEL STEPHNEY, Vocational Nurse License Number 216173, 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)(10),(12)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered under the authority of Section 301.466(d), Texas Occupations Code, and approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 2, 2013.

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's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Panola Junior College, Carthage, Texas, on August 17, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on June 10, 2008.
5. Respondent's nursing employment history includes:

06/2008-08/2008

Unknown

09/2008-10/2011

LVN

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Allegiance Speciality Hospital  
Kilgore, Texas

Respondent's nursing employment history continued:

11/2011-03/2012	Unknown	
04/2012-Present	LVN	Panola County Nursing and Rehabilitation Center, Carthage, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Allegiance Specialty Hospital of Kilgore, Kilgore, Texas, and had been in this position for approximately one (1) year and six (6) months.
7. On or about March 29, 2010, while employed with Allegiance Specialty Hospital of Kilgore, Kilgore, Texas, Respondent withdrew one (1) Klonopin .5mg for Patient Medical Record Number 7476 without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Klonopin without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about March 29, 2010, while employed with Allegiance Specialty Hospital of Kilgore, Kilgore, Texas, Respondent withdrew one (1) Klonopin .5mg for Patient Medical Record Number 7476, but failed to document, or accurately and completely document the administration of the medication in the patients Medication Administration Record (MAR) and/or Nurses Notes. Respondent's conduct was likely to injure the patient, in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
9. On or about April 16, 2010, while employed with Allegiance Specialty Hospital of Kilgore, Kilgore, Texas, Respondent falsely documented that she had administered Librium to Patient Medical Record Number 7728 at 0800, in the patient's Medication Administration Record, however; there were not any medication withdrawals from the medication dispensing system associated with the documented time of administration. Respondent's conduct created an inaccurate medical record, defrauded the facility and patient thereof of the cost of the medication, and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about September 7, 2011 and September 8, 2011, while employed as a Licensed Vocational Nurse with Allegiance Specialty Hospital of Kilgore, Kilgore, Texas, Respondent falsely documented that she had administered Oxycontin to patient Medical Record Number 15728, in the patient's Medication Administration Record (MAR), however; there were not any medication withdrawals from the medication dispensing system associated with the documented times of administration. Respondent's conduct created an inaccurate medical record, defrauded the facility and patient thereof of the cost of the medication, and is in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states she worked at Allegiance Speciality Hospital for three (3) years and one (1) month and was never trained or oriented in the Psychiatric Unit.
12. On or about May 8, 2012, Respondent was arrested by the Department of Public Safety, Panola County, Texas, for DRIVING WHILE INTOXICATED, a Class B Misdemeanor Offense. This case is currently pending.
13. On or about August 7, 2013, Respondent completed a Chemical Dependency Evaluation with Dr. Paul Andrews. Dr. Andrews states during the interview Respondent indicated consumption of up to eight (8) or nine (9) beers, four (4) or five (5) times a month, and amount considered episodic alcohol abuse. Dr. Andrews concluded Respondent is in need of substance abuse treatment and recommends she participate in counseling with a substance abuse treatment provider for education, self-evaluation, and participation in a program to lower her use of alcohol.
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 conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
17. 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 §217.11(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).

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4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 216173, heretofore issued to YOLANDA MACHEL STEPHNEY, up to, and 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 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 and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) 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, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Number TWELVE (12), said judicial action will result in further disciplinary action, up to and including Revocation of Respondent's license(s) to practice nursing in the State of Texas.

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 that, while RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

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.

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RESPONDENT'S CERTIFICATION

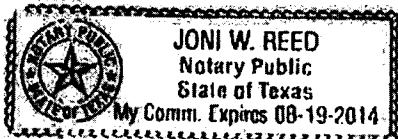
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 4th day of November, 2013.

Yolanda Machel Stephney  
YOLANDA MACHEL STEPHNEY, RESPONDENT

Sworn to and subscribed before me this 4th day of November, 2013.

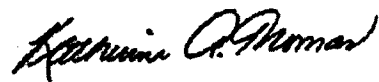
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Joni W. Reed  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 4<sup>th</sup> day of November, 2013, by YOLANDA MACHEL STEPHNEY, Vocational Nurse License Number 216173, and said Order is final.

Entered and effective this 5<sup>th</sup> day of November, 2013.



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