



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 Registered Nurse
License Number 662642
Issued to STEPHEN DALE WALKER,
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: STEPHEN DALE WALKER
11522 MIGHTY REDWOOD DRIVE
HOUSTON, TX 77059

A public meeting of the Texas Board of Nursing was held on November 10, 2014 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 662642, issued to STEPHEN DALE WALKER 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 STEPHEN DALE WALKER and whether his 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:

CHARGE I.

On or about September 22, 2014, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on May 30, 2014. Noncompliance is the result of his failure to comply with the requirements of the Texas Peer Assistance Program (TPAPN) participation agreement. Respondent was subsequently dismissed from TPAPN for admitting to his Case Manager and his employer, UTMB Galveston, Galveston, Texas, on September 9, 2014, that he diverted Fentanyl on three (3) different occasions. Specifically, Respondent admitted to taking discarded Fentanyl and Versed syringes from the sharps disposal containers. Stipulation Number Three (3) of the Agreed Order, dated May 30, 2014, states:

(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 September 22, 2014, Respondent was dismissed from TPAPN and referred back to the Board.

The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by STEPHEN DALE WALKER constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 662642, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.


NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 662642, issued to STEPHEN DALE WALKER, 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 61st day following the date of the entry of this order.

Entered this 10TH day of November, 2014.

TEXAS BOARD OF NURSING

BY:


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

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 662642 §
Issued to STEPHEN DALE WALKER, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEPHEN DALE WALKER, is a Registered Nurse holding License Number 662642, 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 September 22, 2014, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to him by the Texas Board of Nursing on May 30, 2014. Noncompliance is the result of his failure to comply with the requirements of the Texas Peer Assistance Program (TPAPN) participation agreement. Respondent was subsequently dismissed from TPAPN for admitting to his Case Manager and his employer, UTMB Galveston, Galveston, Texas, on September 9, 2014, that he diverted Fentanyl on three (3) different occasions. Specifically, Respondent admitted to taking discarded Fentanyl and Versed syringes from the sharps disposal containers. Stipulation Number Three (3) of the Agreed Order, dated May 30, 2014, states:

(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 September 22, 2014, Respondent was dismissed from TPAPN and referred back to the Board.

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(4),(9)&(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.

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, and for Fraud, Theft and Deception, which can be found at the Board's website, 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.

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: Agreed Eligibility Order dated May 30, 2014.

Filed this 10th day of November, 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
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Austin, Texas 78701
P: (512) 305-6811
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Attachments: Agreed Eligibility Order dated May 30, 2014.

D/2014.08.18

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § CONFIDENTIAL
Registered Nurse License Number 662642 § AGREED ORDER FOR
issued to STEPHEN DALE WALKER § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEPHEN DALE WALKER, Registered Nurse License Number 662642, 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 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 April 25, 2014.

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 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.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas, Austin, Texas, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 1999.
5. Respondent's nursing employment history includes:

07/1999 - 09/2013 Unknown

Respondent's nursing employment history continued:

10/2013 - 12/2013 RN Kindred Hospital Bay Area
Pasadena, Texas

01/2014 - Present Unknown

6. At the time of the incident, Respondent was employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, and had been in this position for approximately two (2) months.
7. On or about November 28, 2013, through December 15, 2013, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Fentanyl from the Medication Dispensing System for patients, but failed to document, or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct created an inaccurate medical record and was likely to injure the residents, in that subsequent care givers would rely on her documentation to further medicate the residents which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act).
8. On or about November 28, 2013, through December 15, 2013, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent withdrew Fentanyl from the Medication Dispensing System for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for and was likely to deceive the hospital pharmacy. Furthermore, Respondent's conduct placed the pharmacy in violation of Chapter 481 (Controlled Substances Act).
9. On or about November 28, 2013, through December 15, 2013, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent misappropriated Fentanyl belonging to the facility and patients thereof in that he admitted to taking the Fetanyl for his own personal use. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
10. On or about December 14, 2013, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent left his nursing assignment without notifying the appropriate personnel. Additionally, Respondent left his patients unattended and went into unoccupied patient rooms for significant amounts of time. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in the patients not getting the care that they needed.
11. On or about December 15, 2013, while employed as a Registered Nurse with Kindred Hospital Bay Area, Pasadena, Texas, Respondent lacked fitness to practice nursing in that he admitted to taking Fentanyl from the facility for his own personal use and that he had a drug problem. Respondent's condition could have affected his ability to recognize subtle

signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

12. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states he is actively in recovery for an addiction to opiates and is currently sober and working his program. Respondent states while working at Kindred he had an isolated slip in his sobriety.
13. 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.
14. 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.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
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 §217.11(1)(A), (1)(B) & (1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A) (1)(B), (1)(C), (4), (5), (6)(G), (8), (10)(B), (10)(C), (10)(E), (11)(B) & (12).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), (12) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 662642, heretofore issued to STEPHEN DALE WALKER, 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 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 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 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 27th day of May, 2014.

Stephen Dale Walker
STEPHEN DALE WALKER, RESPONDENT

Sworn to and subscribed before me this 27th day of May, 2014

P.D. Sabedra

Notary Public in and for the State of Texas

Approved as to form and substance.


Jeremy J. Jura on behalf of
LOUIS LEICHTER, Attorney for Respondent

Signed this 30 day of May, 2014.



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 27th day of May, 2014, by STEPHEN DALE WALKER, Registered Nurse License Number 662642, and said Order is final.

Entered and effective this 30th day of May, 2014.


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