

15, 1976, and was licensed to practice advanced practice registered nursing in the role of Women's Health Nurse Practitioner on January 24, 1995, and was granted prescription authorization in the State of Texas on June 15, 2004.

5. Respondent's nursing employment history includes:

Unknown	APRN	Ultimate Choice Medical & Rehab Clinic, LLC, Houston, Texas
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Unknown - Present	RN/APRN	Houston Independent School District Houston, Texas
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6. During the time period of September 5, 2008, through October 12, 2009, while employed as a Women's Health Nurse Practitioner at Ultimate Choice Medical & Rehab Clinic, LLC, Houston, Texas, Respondent's practice fell below the minimum standards of nursing practice in that she engaged in non-therapeutic prescribing practices. Respondent issued prescriptions for controlled substances to the following patients: AS, BS, ChSu, CrSu, CSc, EV, FY, GS, JS, JY, KS, MV, RSa, RSu, RVa, RVi, SSa, SSm, SSw, and WS, without conducting appropriate assessments to justify her prescribing practices, and/or exploring/ordering other treatment options in lieu of prescribing dangerous controlled substances to the patients. Further, Respondent failed to collaborate with a delegating/collaborating physician, and/or completely/accurately document collaboration with a delegating/collaborating physician in the patients' medical records; failed to appropriately monitor the patients for abusive and/or drug seeking behavior; and failed to completely/accurately document in the patients' medical files.

7. During the time period of September 5, 2008, through October 12, 2009, while employed as a Women's Health Nurse Practitioner at Ultimate Choice Medical & Rehab Clinic, LLC, Houston, Texas, Respondent provided care and treatment to patients outside of her advanced role and population focus area, in that Respondent treated patients, including male patients, for pain management.

8. Formal Charges were filed on August 24, 2015.

9. Formal Charges were mailed to Respondent on August 25, 2015.

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), (4)(A)&(4)(B), 217.12(1)(A),(1)(B)&(4), 221.13(a),(b)&(d), 222.4(a), 222.6(b)&(c)(effective 12/26/2003 through 11/20/13), and 222.12(a)(effective 12/26/2003 through 2/14/2010).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP106248 with Prescription Authorization Number 5480 and Registered Nurse License Number 235393, heretofore issued to CHARLOTTE D. SMITH STEPHENS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas

Board of Nursing, that:

- A. The **VOLUNTARY SURRENDER** of Prescription Authorization Number 5480, previously issued to CHARLOTTE D. SMITH STEPHENS, is accepted by the Texas Board of Nursing. Further, RESPONDENT SHALL surrender all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s) and/or DPS (Texas Department of Public Safety) Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, on or before the effective date of this Order; and
- B. Advanced Practice Registered Nurse License Number AP106248 and Registered Nurse License Number 235393 previously issued to CHARLOTTE D. SMITH STEPHENS, to practice nursing in Texas are hereby issued the sanction of **LIMITED LICENSE WITH STIPULATIONS** in accordance with the terms of this Order.
- C. While under the terms of this Order, **RESPONDENT SHALL NOT provide direct patient care.** For the purposes of this Order, direct patient care involves a personal relationship between the nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

- D. While under the terms of this Order, **RESPONDENT SHALL**, in the event of an emergency situation, such as an anaphylactic response requiring administration of epinephrine, under Board Rule 217.11(1)(M), be required to institute appropriate nursing interventions that might be required to stabilize an individual's condition or prevent further complications.
- E. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, **RESPONDENT** agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, **RESPONDENT SHALL** successfully complete the following remedial education course(s) **within one (1) year of entry of this Order:**

- A. **A course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. **The course “Sharpening Critical Thinking Skills,”** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of one thousand dollars (\$1000.00). RESPONDENT SHALL pay this fine within ninety (90) days of the effective date of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. RESTORATION OF PATIENT CARE PRIVILEGE AND/OR UNENCUMBERED LICENSE(S)

SHOULD RESPONDENT desire to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license, which, at a minimum, shall include the remedial education

courses, work restrictions, supervised practice, and/or employer reporting which would have been requirements of this Order had the license(s) not been placed in limited status.

RESPONDENT'S Prescription Authorization shall remain **SURRENDERED** until such time that RESPONDENT petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, RESPONDENT SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain. The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.
- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or DPS Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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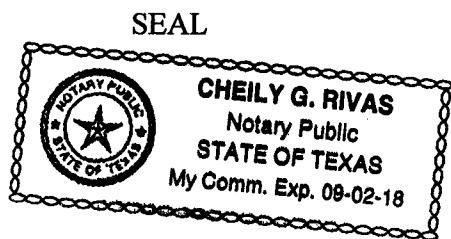
RESPONDENT'S CERTIFICATION

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. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of February, 2017.

Charlotte D Smith Stephens
CHARLOTTE D SMITH STEPHENS, Respondent

Sworn to and subscribed before me this 16 day of February, 2017.



Cheily Rivas
Notary Public in and for the State of Texas

Approved as to form and substance.

Anthony K. Cutrona
Anthony K. Cutrona, Attorney for Respondent

Signed this 17th day of FEBRUARY, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of February, 2017, by CHARLOTTE D. SMITH STEPHENS, Advanced Practice Registered Nurse License Number AP106248 with Prescription Authorization Number 5480 and Registered Nurse License Number 235393, and said Order is final.

Effective this 21st day of March, 2017.



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