BEFORE THE TEXAS BOARD OF NURSING

In the Matter of

§ AGREED

Registered Nurse License Number 748331

issued to STACY DAWN WALKER

ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STACY DAWN WALKER, Registered Nurse License Number 748331, 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)(1),(9),(10),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 19, 2017.

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 notice and hearing and agreed to the entry of this Order.
- 3. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status.
- 4. Respondent received an Associate Degree in Nursing from Lincoln University, Fort Leonard Wood, Missouri, on May 12, 2007. Respondent was licensed to practice professional nursing in the State of Texas on November 8, 2007.
- 5. Respondent's nursing employment history includes:

12/07 - unknown

Registered Nurse

Metroplex Killeen, Texas

C40esp

xecutive Director of the Board

Respondent's nursing employment history continued:

11/13 - unknown Registered Nurse Lighthouse Nursing

Waco, Texas

02/14 - 02/15 Registered Nurse Seton Medical Center

Harker Heights, Texas

03/15 - present Unknown

6. On or about March 18, 2016, Respondent was issued a Confidential Agreed Order for Peer Assistance Program by the Texas Board of Nursing. On or about June 27, 2016, Respondent was dismissed from the TPAPN and referred to the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 18, 2016, is attached and incorporated, by reference, as part of this Order.

- 7. At the time of the incident, Respondent was employed as a Registered Nurse with Lighthouse Nursing Inc., Killeen, Texas, and had been in that position for twenty-one (21) days.
- 8. On or about March 8, 2016, while employed as a Registered Nurse with Lighthouse Nursing Inc, Killeen, Texas, and contracted to work at Scott & White Memorial Hospital, Temple, Texas, Respondent admitted to diverting Dilaudid from the hospital. Respondent's conduct was likely to defraud 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.
- 9. On or about March 8, 2016, while employed as a Registered Nurse with Lighthouse Nursing Inc, Killeen, Texas, and contracted to work at Scott & White Memorial Hospital, Temple, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty to include: nervousness, itching, scratching, and easily agitated. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
- 10. On or about March 8, 2016, while employed as a Registered Nurse with Lighthouse Nursing Inc, Killeen, Texas, and contracted to work at Scott & White Memorial Hospital, Temple, Texas, Respondent engaged in the intemperate use of Lorazepam, Dilaudid, and Morphine, in that she submitted a specimen for a reasonable suspicion drug screen, which resulted positive for Lorazepam, Dilaudid, and Morphine. The use of Lorazepam, Dilaudid, and Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.

- On or about June 27, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on March 18, 2016. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that she failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame. Section I, Stipulation A and B of the Confidential Agreed Order for Peer Assistance Program dated March 18, 2016, states:
 - "(A) Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN."
 - "(B) Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00)."

On or about June 27, 2016, Respondent was dismissed from TPAPN and referred back to the Board.

- 12. 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.
- 13. Formal Charges were filed on September 23, 2016.
- 14. Formal Charges were filed and Respondent's licenses to practice nursing in the State of Texas were temporarily suspended on September 23, 2016.
- 15. Formal Charges were mailed to Respondent on September 24, 2016.
- 16. 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.
- 17. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
- 18. 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 substance use disorder.
- 19. 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 301.451-301.555, 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 $\S 217.11(1)(A), (1)(B) \& (1)(T)$ and 22 TEX. ADMIN. CODE $\S 217.12(1)(A), (1)(B), (1)(E), (4), (5), (6)(G), (8), (10)(A), (10)(D), (10)(E), (11)(B)$.
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 748331, heretofore issued to STACY DAWN WALKER, 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.
- 6. 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.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 748331, previously issued to STACY DAWN WALKER, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. <u>Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN)</u>, including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and
- B. Waives confidentiality and <u>provides a copy of the fully executed TPAPN</u> participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above

requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such a time as is required for RESPONDENT to successfully complete the TPAPN **AND** until Respondent fulfills the additional requirements of this Order.

- C. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. 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.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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 the suspension being stayed:

A Board-approved 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.

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 preapproved provider. Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.

IV. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

V. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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1:Law OffTo:SDW - Texas Board of Nursing - Attn: John Griff 10:51 05/26/17 ET Pg 9-10

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 entry of this Order and all conditions of said 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 Hoday of May, 20/7. STACY DAWN WALKER, Respondent
Sworn to and subscribed before me	this day of, 20
SEAL	
	Notary Public in and for the State of
	Approved as to form and substance.
	Marc M. Meyer
	Marc Meyer, Attorney for Respondent
	Signed this 26th day of May, 20 17.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 26th day of May, 2017, by STACY DAWN WALKER, Registered Nurse License Number 748331, and said Order is final.

Effective this 26th day of May, 20 17.

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf

of said Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of

CONFIDENTIAL

Registered Nurse License Number 748331 issued to STACY DAWN WALKER

§

AGREED ORDER FOR PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STACY DAWN WALKER, Registered Nurse License Number 748331, 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)(9),(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 22, 2015.

FINDINGS OF FACT

- Prior to the institution of Agency proceedings, notice of the matters specified below in these 1. 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).
- Respondent waived notice and hearing, and agreed to the entry of this Order. 2.
- Respondent's license to practice as a professional nurse in the State of Texas is in current 3. status.
- Respondent received an Associate Degree in Nursing from Lincoln University, Fort Leonard 4. Wood, Missouri on May 12, 2007. Respondent was licensed to practice professional nursing in the State of Texas on November 8, 2007.
- Respondent's nursing employment history includes: 5.

12/07-unknown

Registered Nurse

Metroplex Killeen, Texas

11/13-unknown

Registered Nurse

Lighthouse Nursing

Waco, Texas

Respondet's nursing employment history continued:

02/14-02/15

Registered Nurse

Seton Medical Center Harker Heights, Texas

03/15-present

Unknown

- 6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Seton Medical Center, Harker Heights Texas, and had been in that position for one (1) year.
- 7. On or about January 2, 2015, through January 30, 2015, while employed as a Registered Nurse with Seton Medical Center, Harker Heights, Texas, Respondent withdrew Dilaudid 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, 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.
- 8. On or about January 2, 2015, through January 30, 2015, while employed as a Registered Nurse with Seton Medical Center, Harker Heights, Texas, Respondent misappropriated Dilaudid belonging to the facility and patients. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.
- 9. On or about February 6, 2015, while employed as a Registered Nurse with Seton Medical Center, Harker Heights, Texas, Respondent engaged in the intemperate use of Opiates/Morphine in that she produced a specimen for a for cause drug screen that resulted positive for Opiates/Morphine. Unlawful possession of Opiates/Morphine is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Opiates/Morphine by a Registered Nurse, while on duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
- 10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent denies knowledge that she failed to waste medications. She also states she was unaware of the wastage policy and the appropriate time frame until February 6, 2015, when she was notified. Respondent states that she never misappropriated any drugs. She states she may have forgotten to go back and waste the appropriate amount in the accudose system but she did waste them always in the sharps container. As stated above, Respondent states she was unaware that you were to waste in the accudose immediately before you leave the medication room.
- 11. On or about December 7, 2015, Respondent presented for a Chemical Dependency Evaluation with Dr Jerome Schmidt, PhD. The evaluator concluded that Respondent presented insufficient signs and symptoms that warrant a diagnosis of substance use disorder. However her prolonged use of narcotic medication and the misappropriation of medication

in question and the inconsistences of her self report are of significant concern and do not preclude a substance use disorder. Due to the seriousness of the charges and inconsistences of her self report it is recommended that Respondent be supervised with the TPAPN program for a reasonable period of time to ensure her ability to perform her duties as a Registered Nurse accurately and professionally.

- 12. 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.
- 13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
- 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 substance use disorder.
- 15. 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 301.451-301.555, 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 § 2 1 7 . 1 1 (1) (A) & (1) (B) and 2 2 Tex. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(6)(G),(8),(10)(A),(10)(C),(10)(D),(10)(E)&(11)(B).
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 748331, heretofore issued to STACY DAWN WALKER.
- 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.
- 6. 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.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

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):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. 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;
- D. 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; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

II. COMPLIANCE WITH LAW AND APPLICABILITY

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.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

C. As a result of this Order, Respondent's license will be designated "single state" and 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.

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 Board-approved 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.

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 preapproved provider. Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.

IV. CONFIDENTIALITY REQUIREMENTS

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.

V. EFFECT OF NONCOMPLIANCE

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 TEMPORARY 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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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 entry of this Order and all conditions of said 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 15 day of March, 2010.
STACY DAWN WALKER, Respondent
STACY DAWN WALKER, Respondent

Sworn to and subscribed before me this 15 day of MWW

SEAL

FRANCINE M. SONNTAG AY COMMISSION EXPIRES

Notary Public in and for the State of TCXAS

-7-

Effective this 18 day of March , 20 16

Katherine A. Thomas, MN, RN, FAAN

Executive Director on behalf

of said Board