



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 799055 §
issued to NICKESHA TAMARA STEPHENS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NICKESHA TAMARA STEPHENS, Registered Nurse License Number 799055, 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)&(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 April 6, 2018.

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 current status.
4. Respondent received a Baccalaureate Degree in Nursing from Austin Peay State University, Clarksville, Tennessee on May 2, 2008. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 2011.
5. Respondent's nursing employment history includes:

08/2009 - 10/2009	RN	Guardian Angel Nursing Staff Agency Psychiatric Nursing Hospital Hopkinsville, Tennessee
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Respondent's nursing employment history continued:

11/2009 - 09/2010	Unknown	
10/2010 - 05/2012	RN	Baylor University Medical Center Dallas, Texas
05/2012 - 02/2013	RN	Baylor Regional Medical Center Plano, Texas
03/2013 - 05/2013	Unknown	
06/2013 - 03/2014	RN	Parallon Workforce Solutions Medical Center of Plano - NSPCU Plano, Texas
04/2014 - 06/2014	Unknown	
07/2014 - 08/2015	RN	Texas Health Arlington Memorial Arlington, Texas
09/2015 - 11/2015	Unknown	
12/2015 - 03/2017	RN	Visiting Nurse Association (VNA) Denton, Texas
03/2017 - 09/2017	RN	University of Texas Southwestern Medical Center Dallas, Texas
10/2017 - Present	RN	Parkland Hospital System Dallas, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Visiting Nurse Association of Texas, Dallas, Texas, and had been in that position for one (1) year and three (3) months.
7. On or about December 2016, while employed as a Registered Nurse with Visiting Nurse Association of Texas, Dallas, Texas, and assigned to provide hospice care to Patient D13619, Respondent violated the boundaries of the nurse/patient relationship in that she discussed personal information and financial hardships with the patient. In addition, Respondent accepted material gifts from the patient and slept over night at the patient's home. Respondent's conduct was likely to cause emotional injury to the patient and could have interfered or disrupted the patient's treatment.
8. On or about December 2016, while employed as a Registered Nurse with Visiting Nurse

Association of Texas, Dallas, Texas, and assigned to provide hospice care to Patient D13619, Respondent misappropriated monies belonging to the patient, in that she asked for, and accepted a one thousand dollar (\$1000) loan from the patient. Respondent's conduct exploited the patient's vulnerabilities, caused financial loss to the patient, and resulted in confusion between Respondent's needs and those of the patient's.

9. On or about March 17, 2017, while employed as a Registered Nurse with Visiting Nurse Association of Texas, Dallas, Texas, and assigned to provide hospice care to Patient D13619, Respondent failed to notify the on-call nurse, a supervising nurse, or a physician that Patient D13619 had a significant change in condition after the patient's daughter contacted Respondent and informed her of the patient's deteriorating condition. Respondent's conduct was likely to injure the patient from a delay in treatment.
10. In response to Finding of Fact Number Nine (9), Respondent states on March 17, 2017, her shift ended around 5:00 pm and she was not "on call" or "on duty" that evening. She states around 8:30 pm, she received a call from the patient's daughter, who had informed her the patient's oxygen level was at 84%. Respondent states the patient had a history of oxygen desaturation, so the patient's condition was not out of the ordinary. Respondent states, the patient's daughter stated she had given the patient a ventilation treatment earlier. Respondent asked the daughter if she had increased the patient's oxygen and the daughter confirmed she increased it from two (2) to three (3). Respondent states this is what has been done in the past when the patient's oxygen de-saturated below 89%. Respondent states she waited twenty (20) minutes before calling back to check on the patient, the daughter answered the phone and informed Respondent the patient's oxygen level had risen to 89% which is her baseline.
11. Formal Charges were filed on October 28, 2017.
12. Formal Charges were mailed to Respondent on October 26, 2017.

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)(J),(1)(M),(1)(P)&(1)(Q) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(D)&(6)(G).
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 799055, heretofore issued to NICKESHA TAMARA 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 Registered Nurse License Number 799055, previously issued to NICKESHA TAMARA STEPHENS, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of 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(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, **RESPONDENT** must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, **RESPONDENT** must submit the course verification at the conclusion of the course, which

automatically transmits the verification to the Board.

IV. 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 effective date of this Order, unless otherwise specifically indicated:**

- A. **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.
- B. 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.
- C. The course **"Professional Boundaries in Nursing,"** a 3.0 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.*

V. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry 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.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as

a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- E. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VII. 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.

VIII. 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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 2nd day of June, 2018.




NICKESHA TAMARA STEPHENS, Respondent

Sworn to and subscribed before me this 2nd day of June, 2018.

SEAL

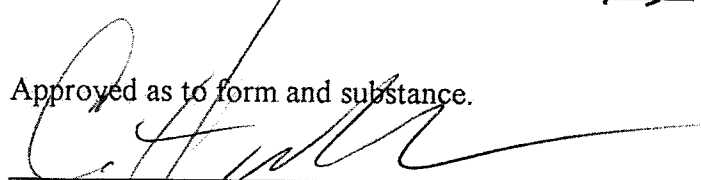




Teresa C. Worley

Notary Public in and for the State of Texas

Approved as to form and substance.



Christopher G. Henderson, Attorney for Respondent

Signed this 8 day of June, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of June, 2018, by NICKESHA TAMARA STEPHENS, Registered Nurse License Number 799055, and said Order is final.

Effective this 19th day of July, 2018.



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