



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 ORDER
Registered Nurse License Number 630994	§	
issued to CYNTHIA STEWART	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA STEWART, Registered Nurse License Number 630994, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 21, 2021.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Lamar University, Beaumont, Texas, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 2, 1996.
5. Respondent's nursing employment history includes:

7/1996 – 2/2008	Registered Nurse	Christus St. Elizabeth Hospital Beaumont, Texas
2/2008 – 7/2010	Unknown	

Respondent's nursing employment history continued:

7/2010 – 4/2021	Registered Nurse	Baptist Memorial of Southeast Texas Beaumont, Texas
4/2021 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Baptist Hospitals of Southeast Texas, Beaumont, Texas, and had been in that position for ten (10) years and eight (8) months.
7. On or about March 23, 2021, while employed as a Registered Nurse with Baptist Hospitals of Southeast Texas, Beaumont, Texas, and assigned to the Behavioral Health Geriatric Unit, Respondent inaccurately documented verbal orders for Lorazepam for Patient MRN #120751137 in that she changed the dosage of the order without authorization from 0.5mg to 2.5mg. Respondent's conduct was likely to injure the patient in that failure to administer medication as ordered by a physician could have resulted in non-efficacious treatment. Furthermore, Respondent's conduct was likely to injure the patient in that the physician, the facility and other staff members would utilize the Medical Record to make treatment decisions.
8. On or about March 23, 2021, while employed as a Registered Nurse with Baptist Hospitals of Southeast Texas, Beaumont, Texas, and assigned to the Behavioral Health Acute Unit, Respondent withdrew Lorazepam 2mg from the medication dispensing system for Patient MRN #120751137, but failed to completely and accurately document the administration of the medication in the patient's Medication Administration Record (MAR) and/or nurses' notes in that Respondent reported that she administered 1mg, documented the administration as 2.5mg in the MAR, and documented 0.5mg in the 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. Additionally, 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 March 23, 2021 through March 24, 2021, while employed as a Registered Nurse with Baptist Hospitals of Southeast Texas, Beaumont, Texas, and assigned to the Behavioral Health Acute Unit, Respondent withdrew Lorazepam 2mg from the medication dispensing system for Patient MRN #120751137, but failed to follow the facility's policy and procedures for wastage of the unused portion of the medication. 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.

10. In response to Finding of Fact Seven (7), Respondent denies the allegation and states the physician ordered 2.5mg of Lorazepam, but she administered 1mg based on her nursing judgement as she felt the dosage was too high. In response to Finding of Fact Eight (8), Respondent states since the order was documented as 2.5mg, the administration was documented as 2.5mg and the documentation was not changed to reflect the 1mg she administered. In response to Finding of Fact Nine (9), Respondent admits she failed to properly waste the medication in that she withdrew 2mg, wasted 1mg in the sink without a witness, and failed to document the wastage in the Pyxis. Respondent states she willing to give up her license.
11. Respondent by her signature expresses her desire to voluntary surrender the licenses.

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)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(A),(6)(H),(10)(B),(10)(C)&(11)(B).
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 630994, heretofore issued to CYNTHIA STEWART.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 630994 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person

to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

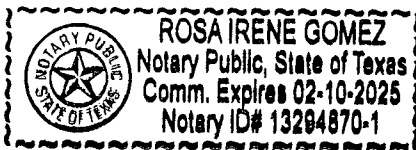
Signed this 4 day of Aug, 2021.

Cynthia Stewart
CYNTHIA STEWART, RESPONDENT

Sworn to and subscribed before me this 4 day of August, 2021.

SEAL

Rosa Irene Gomez
Notary Public in and for the State of TX



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 4th day of August, 2021, by CYNTHIA STEWART, Registered Nurse License Number 630994, and said Agreed Order is final.

Effective this 12th day of August, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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