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*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Advanced Practice Registered Nurse License §  
Number AP126687 with Prescription §  
Authorization Number 16720 §  
& Registered Nurse License Number 825842 §  
issued to MISTY DAWN STEWART §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MISTY DAWN STEWART, Advanced Practice Registered Nurse License Number AP126687 with Prescription Authorization Number 16720, and Registered Nurse License Number 825842, 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)(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 June 26, 2020.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Pediatric Nurse Practitioner is in inactive status with Prescription Authorization Number 16720 in inactive status.
4. Respondent received a Baccalaureate Degree in Nursing from McNeese St University, Lake Charles, Louisiana, on May 14, 2005. Respondent completed a Pediatric Nurse Practitioner Program from Texas Womans University, Dallas, Texas, on May 1, 2014. Respondent was licensed to practice professional nursing in the State of Texas on September 10, 2012. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Pediatric Nurse Practitioner on

October 16, 2014. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Pediatric Nurse Practitioner with Prescription Authorization on October 16, 2014.

5. Respondent's nursing employment history includes:

8/2005 - 5/2007	RN	Christus St. Patrick Hospital Lake Charles, LA
5/2007 -- 4/2015	RN	OU Medical Center Oklahoma City, OK
5/2015 -- 6/2015	RN	American Mobile Healthcare Plano, TX
4/2015 -- 7/2019	RN	Children's Health Dallas, TX
8/2019 - Present	RN	Texoma Medical Center Denison, TX

6. At the time of the initial incident, Respondent was employed as a registered nurse with Children's Health, Dallas, Texas, and had been in that position for four (4) years and two (2) months.
7. On or about June 13, 2019, while employed with Children's Health, Dallas, Texas, Respondent inappropriately accessed the medical record of Patient 4218498, for reasons other than patient care and/or job related functions.
8. In response to Finding of Fact Number Seven (7) Respondent states that on June 13, 2019, she was assigned to the Specialized Workforce Action Team (SWAT) role and was a member of the Clinical Resource Team (CRT- "float pool"). In that role, Respondent would be sent to multiple areas and units of the hospital on the same day. Respondent further states that it was her understanding that she was assigned to provide care for Patient 218498, as soon as she left the area of the hospital in which she was at the time of that assignment. Respondent further states access of the patient's record was for patient care and/or job related function.
9. On December 13, 2019, Respondent completed a course a course in "Sharpening Critical Thinking Skills," which would have been a requirement of this Order.
10. On January 23, 2020, Respondent completed a course in "Patient Privacy," which would have been a requirement of this Order.

11. On March 10, 2020, Respondent completed a course in "Jurisprudence and Ethics," which would have been a requirement of this Order.

### 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).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP126687 with Prescription Authorization Number 16720, and Registered Nurse License Number 825842, heretofore issued to MISTY DAWN 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

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH FINE** in accordance with the terms 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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) 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 UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

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**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this 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 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 16 day of November, 2021  
Misty Dawn Stewart  
MISTY DAWN STEWART, 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~~ substance.

Nancy Roper Willson  
Nancy Roper Willson, Attorney for Respondent

Signed this 16<sup>th</sup> day of November, 2021.

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 16th day of November, 2021, by MISTY DAWN STEWART, Advanced Practice Registered Nurse License Number AP126687, and Registered Nurse License Number 825842, and said Agreed Order is final.

Effective this 18th day of November, 2021.



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