



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.
Kristin K. Benton, DNP, RN
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 728765 § AGREED ORDER
issued to DANIEL KIM STONEKING §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 728765, held by DANIEL KIM STONEKING, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on June 9, 2025.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Baccalaureate Degree in Nursing from University of Texas Health Science Center, Houston, Texas, on May 5, 2006. Petitioner was licensed to practice professional nursing in the State of Texas on June 13, 2006.
4. Petitioner's nursing employment history includes:

5/2006 – 11/2007	RN	St. Luke’s Hospital Houston, Texas
11/2007 – 2/2010	RN	St. Johns Medical Center Longview, Washington
6/2010 – 4/2011	RN	Agostini & ASC San Francisco, California

Petitioner's nursing employment history continued:

5/2011 – 11/2013	RN	Home Health Skilled Nursing Home Kelso, Washington
12/2017 – 1/2019	RN	Clark County Psychiatric Evaluation and Treatment Vancouver, Washington
4/2019 – 8/2023	RN	Rainer Springs Behavioral Health Hospital Vancouver, Washington
8/2023 – Present	RN	Dublin Springs Behavioral Health Hospital Dublin, Ohio

5. On or about August 6, 2013, Petitioner's license to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the August 6, 2013, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about January 25, 2013, Petitioner's license to practice professional nursing in the State of Washington was issued a Stipulation to Information Disposition by the Washington State Board of Nursing. A copy of January 25, 2013, Stipulation to Information Disposition is attached and incorporated by reference as part of this Order.
7. On or about February 5, 2014, Petitioner's license to practice professional nursing in the State of Washington was issued an Order by the Washington State Board of Nursing. A copy of the February 5, 2014, Order is attached and incorporated by reference as part of this Order.
8. On or about March 25, 2014, Petitioner's license to practice professional nursing in the State of Washington was issued a suspension by the Washington State Board of Nursing. On or about March 10, 2017, Petitioner's license was reinstated on probation.
9. On April 22, 2022, Petitioner satisfied all terms and conditions as set forth in the Order issued on February 5, 2014, by the Washington Board of Nursing.

10. On or about January 26, 2023, Petitioner's license to practice professional nursing in the State of Ohio was issued a Consent Agreement by the Ohio State Board of Nursing. A copy of the January 26, 2023, Consent Agreement is attached and incorporated by reference as part of this Order.
11. On May 25, 2023, Petitioner satisfied all terms and conditions as set forth in the Consent Agreement issued on January 26, 2023, by the Ohio Board of Nursing.
12. On or about April 30, 2025, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
13. Petitioner presented the following in support of said petition:
 - A. Letter of support dated January 22, 2025, from Olga Boltchenkova.
 - B. Letter of support dated March 1, 2025, from Lucille Hadden.
 - C. Letter of support dated February 25, 2025, from Randall Rugg, PMHNP, APRN.
 - D. Documentation of the required continuing education contact hours.
14. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
15. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
16. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicensure an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
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. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of DANIEL KIM STONEKING for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 728765 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. PETITIONER SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and PETITIONER'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.
- B. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- C. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. Until successfully completed, PETITIONER may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- E. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, 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 and video programs will not be approved.
- B. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of October, 2025.

Daniel Stoneking
DANIEL KIM STONEKING, PETITIONER

Sworn to and subscribed before me this 16 day of October, 2025.

SEAL

[Signature]

Notary Public in and for the State of Maryland



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 16th day of October, 2025, by DANIEL KIM STONEKING, Registered Nurse License Number 728765, and said Reinstatement Agreed Order is final.

Effective this 9th day of December, 2025.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board

IN THE MATTER OF PERMANENT
REGISTERED NURSE LICENSE
NUMBER 728765 ISSUED TO
DANIEL KIM STONEKING

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Daniel Kim Stoneking


During open meeting held in Austin, Texas, on **August 6, 2013**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

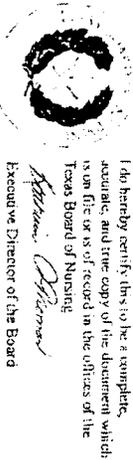
The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order



will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 728765, previously issued to DANIEL KIM STONEKING, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 6th day of August, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed May 28, 2013.

Re: Permanent Registered Nurse License Number 728765
Issued to DANIEL KIM STONEKING
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2013, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Daniel Kim Stoneking


Via USPS First Class Mail

Daniel Kim Stoneking


BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent
Registered Nurse License
Number 728765 Issued to
DANIEL KIM STONEKING,
Respondent

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DANIEL KIM STONEKING, is a Registered Nurse holding License Number 728765, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 10, 2012, Respondent received a Proposed Decision from the Office of Administrative Hearings, State of California, wherein Respondent's application for licensure as a Registered Nurse, in the State of California, by Endorsement, was denied. Subsequently, on or about July 25, 2012, Respondent was issued a Decision by the California Board of Nursing wherein the Decision submitted by the Office of Administrative Hearings, State of California, was adopted due to findings that Respondent used drugs in a manner dangerous to himself or others and committed shoplifting. Copies of the Proposed Decision from the Office of Administrative Hearings, State of California, dated April 10, 2012, and Decision issued by the California Board of Nursing, dated July 25, 2012, are attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(13)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

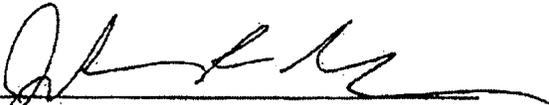
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Proposed Decision from the Office of Administrative Hearings, State of California, dated April 10, 2012, and Decision issued by the California Board of Nursing, dated July 25, 2012.

Filed this 28 day of May, 2013.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Proposed Decision from the Office of Administrative Hearings, State of California, dated April 10, 2012, and Decision issued by the California Board of Nursing, dated July 25, 2012.

D/2012.06.19

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

DANIEL KIM STONEKING

Respondent.

Case No. 2012-24

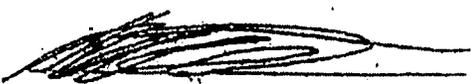
OAH No. 2011091082

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

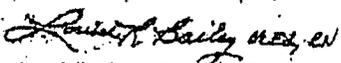
This Decision shall become effective on July 25, 2012.

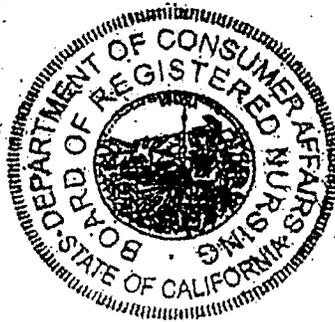
IT IS SO ORDERED this 25th day of June, 2012.


Board of Registered Nursing
Department of Consumer Affairs
State of California

I hereby certify the
foregoing to be a true copy
of the documents on file in our office.

BOARD OF REGISTERED NURSING


Louise R. Balfey, M. ED., RN
Interim Executive Officer



BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
THE BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

DANIEL KIM STONEKING,

Respondent.

Case No. 2012-24

OAH No. 2011091082

PROPOSED DECISION

Administrative Law Judge Dianna L. Albini, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on February 6, 2012.

Char Sachson, Deputy Attorney General, represented complainant the Department of Consumer Affairs (Department), successor to the Board of Registered Nursing (Board).¹

Kathleen L. Morgan, Attorney at Law, represented respondent Daniel Kim Stoneking, who was also present.

The record was held open until March 16, 2012, for respondent to submit additional documents. Respondent submitted a medical record that was marked for identification, and admitted into evidence, as Exhibit E. No additional records were submitted by the parties. The record was closed and the matter was submitted on March 16, 2012.

¹ References to the Board of Registered Nursing (Board) shall refer to Department of Consumer Affairs (Department), successor to the Board of Registered Nursing. The Board ceased to exist on December 31, 2011. The Department is the successor in interest to the Board.

FACTUAL FINDINGS

1. Louise R. Bailey, M.Ed., R.N., brought the accusation against respondent in her official capacity as the then Interim Executive Officer of the Board.²

2. On April 12, 2010, the Board received an application for a registered nurse license from respondent Daniel Kim Stoneking. Respondent requested a temporary license at the time of his application. The evidence did not establish if a temporary license was issued to respondent. On December 17, 2010, the Board denied respondent's application.

Medication

3. Buprenorphine, generic for Subutex®, is classified as a schedule V controlled substance by Health and Safety Code section 11058, subdivision (d), and is a dangerous drug pursuant to Business and Professions Code section 4022. Buprenorphine is used for opiate addiction.³

4. Suboxone contains Buprenorphine and Naloxone, which is used to counter the effects of opiate overdose. Suboxone is a dangerous drug pursuant to Business and Professions Code section 4022.

5. Lidocaine is a local anesthetic. Lidocaine is a dangerous drug pursuant to Business and Professions Code section 4022.

6. Ambien is a prescriptive medication used for the treatment of insomnia. Ambien is a sedative.

June 29, 2010

7. On June 29, 2010, respondent caused two separate motor vehicle collisions. Respondent was operating his vehicle near Clayton Road in Contra Costa County, at 9:45 a.m., when he struck a vehicle and left the scene of the collision. At 9:50 a.m., respondent caused another collision involving four vehicles on southbound Interstate 680, in Contra Costa County. At the scene of the second collision, respondent's speech was slow and slurred and he was acting dazed. Respondent's eyes were red and glossy, and he was having difficulty staying awake. Respondent informed the police officer that he was being treated for his addiction to opium with Buprenorphine and Suboxone. A mortar and pestle containing orange residue was found in respondent's vehicle, along with three prescription containers, one for Suboxone and two for Buprenorphine. Respondent informed the officer

² Pursuant to Senate Bill 98, on February 14, 2012, the Board of Registered Nursing was restored.

³ Buprenorphine is classified as a schedule III narcotic pursuant to the Controlled Substances Act.

that he used the mortar and pestle to crush his medications prior to taking them, because the "effect is faster." Respondent told the officer that the 28 milliliter container of Lidocaine found in his vehicle was not for his personal use, but rather, that he forgot to put the Lidocaine away after his shift ended. Respondent was subsequently arrested for violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs), and section 20002, subdivision (a) (leaving the scene of an accident involving property damage) and Health and Safety Code section 11350 (possession of a controlled substance).

8. On June 29, 2010, respondent submitted a blood sample for toxicology analysis. On July 13, 2010, the toxicology report results were negative for methamphetamine/MDMA, cocaine/cocaine metabolite, opiates (codeine, morphine) and benzodiazepines.

9. Respondent submitted a March 28, 2011 letter from the Contra Costa County Office of the District Attorney that indicates as of that date, no criminal complaint had been filed against respondent related to the June 29, 2010 collisions.

March 26, 2011⁴

10. Respondent brought two empty bags to the Nordstrom Department Store in Walnut Creek, California, on March 26, 2011, with the intent to steal merchandise. At that time, respondent placed approximately \$700 worth of merchandise in his empty bags and was detained by loss prevention officers as he attempted to leave the store. Respondent was subsequently arrested for a violation of Penal Code sections 488 (petty theft), and 459 (burglary). The evidence did not establish that a criminal complaint was filed against respondent for the March 26, 2011 incident.

Respondent's evidence

11. Respondent was prescribed Buprenorphine for aggravation of a back injury he originally sustained while in high school. Respondent believed Buprenorphine to be a non-opiate pain medication with a low risk of abuse or dependence. Respondent denies an addiction to any drug or alcohol. Respondent stated the Buprenorphine did not impair his ability to perform his functions or duties as a nurse. Prior to moving to California, respondent was prescribed Ambien to help him sleep. He had taken Ambien before without incident. Respondent was not aware of any adverse side effects from Ambien or any drug interactions between Ambien and Buprenorphine. Respondent has not taken Ambien since June 29, 2010, and stopped taking Buprenorphine in August 2011, when he resigned from Touro University.

⁴ The police report indicates the incident occurred on March 26, 2011, and the submitted report was approved on March 27, 2011.

Collisions

12. In June 2010, respondent was working as an emergency room nurse at the San Ramon Regional Hospital. Respondent had worked the night shift on June 28, 2010, beginning at 7:00 p.m. and ending on June 29, 2010, at 7:30 a.m. Late in his shift, respondent was primarily responsible for three patients with lacerations. While attending to these patients, respondent used Lidocaine which was maintained in the unit on the surgical cart and not in the Pyxis Medstation.⁵ Respondent applied the Lidocaine to the first patient and placed the vial in his nursing pouch for use on the two remaining patients. At the end of his shift, respondent neglected to remove the Lidocaine from his nursing pouch and return it to the surgical cart. Respondent then left the hospital.

13. Respondent drove home and at 8:30 a.m., he took his medication, Suboxone and Ambien, and went to bed. Respondent's next recollection was when he "woke up on the side of the road" after the accident. He recalls "bits and pieces" of the rest of the day. Respondent recalls taking a breath test at the accident scene and he recalls the officer searching his vehicle. Respondent also recalls being at the hospital and going to jail. Respondent does not recall telling an officer: "I feel loopy", "I felt loopy while I was driving, then more loopy [sic] then I was in a crash," or that he is taking Buprenorphine for an opium addiction.

14. Respondent did not tell the officer he had taken Ambien prior to the collision. No independent evidence was presented to establish that respondent was taking Ambien at the time of the collisions or the identity of the prescribing doctor.

15. Respondent stated that he hired a criminal attorney to represent him for charges related to the collisions. Sometime thereafter, respondent stated his application was denied and he was unable to make money after the collisions. After the collisions and his arrest in June 2010, respondent chose not to seek support from his family. Respondent stated he found himself in a situation where he had no emotional or financial support. Respondent denies an addicted to Vicodin or opiates.

Nordstrom department store

16. Respondent admits he attempted to steal merchandise from Nordstrom department store and following this event, he decided to "come clean with his family" and seek their assistance. Respondent moved back to Washington and currently lives with his parents. Respondent stated as part of the criminal proceeding, he was allowed to participate in a diversion program and allowed to move home to Washington. As part of the diversion program, respondent is required to perform 10 hours of community service and complete a theft class. Respondent stated that he is in compliance with the terms of the diversion program, and that because this was his first offense, the incident will be "off his record" in

⁵ Pyxis Medstation is an automated medication dispensing system.

August of 2012.⁶ Respondent admits that his conduct was unprofessional and irresponsible. The evidence did not establish that respondent has enrolled in a theft class or received any counseling regarding this event.

Respondent is currently licensed as a registered nurse in the State of Washington. He is waiting for the outcome of the California disciplinary matter before pursuing employment in Washington. Respondent has no intention of returning to California to live or work. If respondent were to be placed on probation, he would not be able of complying with the terms of probation. Respondent does not have the financial means to support himself while living in California in order to complete the standard probationary terms. Respondent was previously licensed as a registered nurse in Texas and Massachusetts. Respondent enjoys taking care of people and wants to continue to work as a nurse in the State of Washington.

17. Respondent moved to Concord, California in March 2010, to attend Touro University Physician Assistant School. Prior to starting physician assistant school, respondent worked in California as a registered nurse.⁷ Respondent stated that in April of 2010, he reinjured his back and sought treatment from Richard J. Gracer, M.D. Dr. Gracer prescribed Buprenorphine for his back injury.

18. Respondent submitted his current resume at hearing and confirmed the information was accurate. Respondent's resume indicates that he "Previously held RN License's: Inactive - Texas, Massachusetts and California."

Other matters

19. Kim Warren Stoneking, M.D. was present and testified at hearing. Dr. Stoneking is respondent's father and a licensed physician in the State of Washington. Respondent injured his back in high school, and was prescribed Vicodin. Dr. Stoneking did not observe any addictive behavior or conduct by respondent during the time he was prescribed Vicodin.

Currently, respondent lives with Dr. Stoneking and is unemployed. Respondent receives an allowance for work he does around the house. Respondent also provides care for his grandmother.

Dr. Stoneking stated that in to prescribe Suboxone, specific certification is required. Dr. Stoneking is not certified to prescribe Suboxone, although he has patients who take the medication. Suboxone is prescribed when patients have problems with Vicodin or other

⁶ Respondent did not present any independent evidence of a diversion program at hearing.

⁷ The evidence did not establish whether the Board issued respondent a temporary nursing license prior to the denial of his application. However, the Statement of Issues did not allege that respondent was working in California as a registered nurse without a license.

opiates such as heroin. Dr. Stoneking prescribes Ambien for his patients. Ambien is prescribed for insomnia. Dr. Stoneking always warns his patients about the side effects associated with Ambien such as "sleep walking" and "sleep driving." Dr. Stoneking does not believe respondent has an addiction to any medication.

Dr. Stoneking is concerned about respondent's theft incident, which was "out of character" for respondent. Dr. Stoneking is disappointed by respondent's poor judgment. Despite this isolated incident, Dr. Stoneking believes respondent should be allowed to work as a nurse.

20. Several character letters were submitted at hearing by respondent. Most of the letters were written in 2005, the most recent in 2009, prior to incidents set forth in Findings 7 and 10, above. The letters refer to respondent's skill as a nurse and his good character.

21. A post-hearing letter from Dr. Gracer states in relevant part:

Dear Daniel,

At your request I would like to state the following:

I first started caring for you on April 10, 2010. At this time you were stable, taking Buprenorphine. You had had problems with opiate medications after taking them for an injury. I elected to continue you on this medication. At no time during your treatment with me did I prescribe hydrocodone. My last visit with you was on September 27, 2011.

22. The evidence did not establish that any of respondent's registered nurse licenses were the subject of any disciplinary action. The evidence did not establish that respondent had any prior criminal convictions. The evidence did not establish that respondent has any pending criminal actions related to the June 29, 2010 incident or the March 26, 2011 incident.

LEGAL CONCLUSIONS

1. An applicant for a license bears the burden of proving that he should be granted a license. (*Martin v. Alcohol Beverage Control Appeals Bd.* (1959) 52 Cal.2d 238.) The standard of proof is a preponderance of the evidence. (*California Administrative Hearing Practice* (Cont.Ed.Bar (2d ed. 1997) the Hearing Process, §§ 7.51-7.53, pp. 365-367.) In addition, rehabilitation is akin to an affirmative defense; consequently, the burden of proof of establishing an affirmative defense is on the proponent of that defense. (*Whetstone v. Board of Dental Examiners* (1927) 87 Cal.App. 156, 164.) At a hearing regarding the denial of an application, the respondent "must show compliance" with the statutes and regulations outlined in the Statement of Issues. (Gov. Code, § 11504.)

Dangerous use of a controlled substance and/or drugs

2. Complainant argues that respondent is subject to discipline pursuant to Business and Professions Code sections 2761, subdivision (a), and 2762, subdivision (b), because the Legislature has specifically identified the use of drugs "to the extent," or "in such manner" as to be harmful to himself or others is "unprofessional conduct," and because there is a "logical connection" between respondent's use of drugs and his ability to practice as a nurse, the constitutional requirement is satisfied.

Respondent argues that Business and Professions Code section 2762, subdivision (b), which imposes discipline based on conduct, must be interpreted to impose the same substantial relationship requirement necessary for criminal convictions in order "to avoid constitutional infirmity."

3. A statute must be sufficiently clear to give fair warning of the conduct it prohibits. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 574.) [Emphasis added.] Where a licensing statute does not require a showing of a nexus between the licensee's conduct and the licensee's fitness or competence to practice, the statute must be read to include this "nexus" requirement to ensure its constitutionality. (*Watson v. Superior Court* (2009) 176 Cal.App.4th 1407, 1421.) In order to satisfy the constitutional due process requirement, "[t]he state's power to regulate a profession cannot be used arbitrarily to penalize conduct having no demonstrable bearing upon the fitness for its practice." (*Cartwright v. Board of Chiropractic Examiners* (1976) 16 Cal.3d 762, 767.)

If misconduct poses a sufficient danger to the public, the Legislature can define the act as "unprofessional conduct" forming a basis for imposing discipline on the licensee without any additional showing that the misconduct impaired the actual practice of medicine. (*supra*, 176 Cal.App.4th at pp. 1420 -1421.) For a nexus to exist between the misconduct and the fitness or competence to practice medicine, it is not necessary for the misconduct forming the basis for discipline to have occurred in the actual practice of medicine. (*Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757.)

4. For constitutional purposes, when a statute enumerates the use of drugs "to the extent," or "in such manner" as to be dangerous or injurious to the licensee, or to any other person or to the public, a nexus or "logical connection" exists between this type of drug use and the ability of the licensee to practice medicine. (*supra*, 176 Cal.App.4th at p. 1421.) The *Watson* Court held that although this language does not provide a bright line standard, it does restrict the conduct subject to discipline to that which "to the extent or "in such a manner" poses a danger to the licensee or others. (*Id.* at p. 1424).

5. Pursuant to Business and Professions Code section 2761, subdivision (a), the Board may take disciplinary action against a licensed nurse for unprofessional conduct. It is unprofessional conduct for a nurse to use drugs "to an extent or in a manner dangerous to others or injurious to herself . . . , any other person, or the public . . ." (Bus. & Prof. Code, § 2762, subd. (b).)

The statute identified in *Watson (supra, 176 Cal.App.4th at p.1417)* authorizing the medical board to discipline a physician for the use of alcohol is similar to Business and Profession Code sections 2762, subdivision (b), which provides that it is "unprofessional conduct" for a nurse to use drugs "to an extent or in a manner dangerous or injurious to himself . . . , any other person, or the public. Respondent took medication and was involved in a two separate accidents. Respondent's use of drugs was "to an extent" or "in such a manner" that was dangerous and injurious.

6. By reason of the matters set forth in Findings 7 and 13, cause exists for the Board to deny respondent's application pursuant to Business and Profession Code sections 2761, subdivision (a), and 2762, subdivision (b).

Dishonesty, fraud, or deceit

7. Pursuant to Business and Professions Code section 2736, the Board may deny a registered nurse license if the applicant has committed any act constituting grounds for denial of licensure pursuant to Business and Professions Code section 480.

8. Pursuant to Business and Professions Code section 480, subdivision (a)(2), the Board may deny a license to an applicant who commits any act of dishonesty, fraud, or deceit with the intent to substantially benefit himself or another. Business and Professions Code section 480, subdivision (a)(3), authorizes the Board to deny a license to an applicant who commits any act that if done by a licentiate would be grounds for suspension or revocation of a license. Pursuant to Business and Professions Code section 2761, subdivision (a), the Board may deny an application for a nursing license for unprofessional conduct. California Code of Regulations, title 16, section 1444, provides that an act shall be considered to be substantially related to the qualifications, functions, or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such an act includes theft, dishonesty, fraud and deceit.

9. Respondent went to Nordstrom department store and intended to unlawfully remove merchandise from the premises. Respondent's actions constitute dishonesty, fraud and deceit. Respondent admits his actions were unprofessional and are substantially related to the qualifications functions, and duties of a registered nurse. Consequently, by reason of the matters set forth in Findings 10 and 16, cause exists to deny respondent's application for licensure pursuant to Business and Professions Code sections 480, 2736 and 2761, subdivision (a).

10. The Board has established criteria for consideration when a license has been denied. Factors for review include the nature and severity of the acts and crimes, subsequent acts, the time that has elapsed since commission of the acts, the extent to which the applicant has complied with terms of probation, restitution, and other legal sanctions, and evidence of rehabilitation. (Cal. Code Regs., tit. 16, § 1445.)

11. In June 2010, respondent caused two vehicle accidents while operating his vehicle under the influence of drugs. Toxicology reports following the 2010 collisions establish respondent was not under the influence of narcotics. Respondent denies having any addictions to substances, including alcohol, opiates or Vicodin. In the 2012 letter from Dr. Gracer there is a reference to respondent's problems with opiate medications. This letter is ambiguous as to how respondent's "problem with opiate medication" manifests itself and whether respondent's "problem with opiate medication" is an addiction or an adverse reaction. Respondent did not accept responsibility for the accidents, but rather diverted blame for the collisions to an adverse drug interaction. Respondent's evidence did not meet his burden of proof in establishing he does not have an addiction to opiate medication. To his credit, respondent states he is currently not taking any medication.

Respondent's theft in 2011 is serious and while it appears to have been an isolated incident, respondent has not taken a theft class or sought counseling or assistance with the underlying reasons for his conduct. Respondent has not met his burden of establishing that he is rehabilitated. Consequently at this time it would be contrary to the public's interest to issue respondent a license at this time.

ORDER

The application of respondent Daniel Kim Stoneking for a registered nurse license is denied.

DATED: 4/10/12


DIANNA ALBINI
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 CHAR SACHSON
Deputy Attorney General
4 State Bar No. 161032
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2012-24

12 DANIEL KIM STONEKING



STATEMENT OF ISSUES

14 Applicant.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
19 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about April 12, 2010, the Board of Registered Nursing, Department of
22 Consumer Affairs received an application for a Registered Nurse license from Daniel Kim
23 Stoneking (Applicant). On or about April 12, 2010, Daniel Kim Stoneking certified under
24 penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on December 17, 2010.

26 JURISDICTION

27 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2736 of the Code provides, in pertinent part, that the Board may deny a
3 license when it finds that the applicant has committed any acts constituting grounds for denial of
4 licensure under section 480 of that code.

5 5. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct,"

9 6. Section 2762 of the Code states:

10 "In addition to other acts constituting unprofessional conduct within the meaning of this
11 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
12 chapter to do any of the following:

13 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
14 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
15 administer to another, any controlled substance as defined in Division 10 (commencing with
16 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
17 defined in Section 4022.

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

28

1 four car accident. Applicant's speech was slurred; he appeared dazed and confused, had
2 difficulty staying awake, and failed field sobriety tests. Applicant told the arresting officer that he
3 takes Buprenorphine and Suboxone daily for opiate addiction. Applicant was in possession of a
4 bottle of Lidocaine. He stated that he picked it up while at work and forgot to put it away.

5 SECOND CAUSE FOR DENIAL OF APPLICATION

6 (SHOPLIFTING)

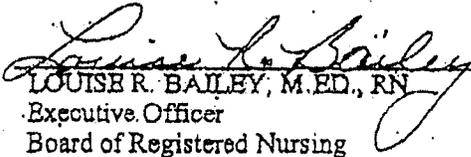
7 12. Applicant's application is subject to denial under sections 2761(a) and/or 480 in that
8 on or about March 27, 2011, he stole approximately \$700.00 in merchandise from Nordstrom in
9 Walnut Creek.

10 PRAAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Denying the application of Daniel Kim Stoneking for a Registered Nurse license.
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: 7-13-11

16 
17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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25
26 SF2011201520
27 20482319
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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

No. M2012-933

DANIEL K. STONEKING
Credential No. RN.RN.00172588

STIPULATION TO INFORMAL
DISPOSITION

Respondent

1. STIPULATION

1.1 The Health Services Consultant of the Nursing Care Quality Assurance Commission (Commission), on designation by the Commission, has made the following allegations.

A. On August 3, 2007, the state of Washington Issued Respondent a credential to practice as a registered nurse. Respondent's credential is currently active.

B. In October 2011, Respondent applied for employment at Favorite Health Staffing. During a routine background check, it was noted that Respondent had action taken against him in the state of California. Specially, the California Board of Registered Nursing (CBRN) denied Respondent's application for a registered nurse credential because of unprofessional conduct.

C. On December 20, 2011, Favorite Health Staffing requested that Respondent provide a copy of CBRN's Statement of Issues.

D. On or around January 10, 2012, Respondent provided Favorite Health Staffing with a copy of the Statement of Issues. The copy provided by Respondent was two (2) pages long.

E. Favorite Health Staffing also requested from the CBRN a copy of the Statement of Issues. The copy provided by CBRN was four (4) pages long.

F. After review of the copy of the Statement of Issues provided by Respondent, and the copy provided by CBRN, it is clear that the copy of the Statement of Issues provided by Respondent was altered.

//

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in Paragraph 1.1 above. This Stipulation to Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(1).

1.4 Respondent agrees that pursuant to RCW 18.130.172, any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6), and (8), may be imposed as part of this stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of this Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Commission.

1.7 This Stipulation is not formal disciplinary action. However, if the Commission accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Commission agrees to forego further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

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2. COMPLIANCE WITH SANCTION RULES

2.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 The sanction schedules stated in rule do not address the conduct in this case. RCW 18.130.390 and WAC 246-16-800(2)(d) require the disciplining authority to use its judgment to determine appropriate sanctions when the sanction schedules do not address the conduct in question.

2.3 As a registered nurse, Respondent is responsible for the care and well-being of his patients. Respondent has a duty to accurately record information about his patients and to accurately relay patient information to other providers. Respondent's act of intentionally providing altered information in an attempt to gain employment demonstrates Respondent's willingness to falsify information when it will benefit him. In determining an appropriate sanction, the Commission considered the aggravating and mitigating factors listed below. In order to protect the public health, safety, and welfare, the Commission determined that a period of probation, education, employer reports, and the writing of an essay is appropriate.

2.4 The Commission agrees that the sanctions below are adequate to protect the health and safety of the public until it can be determined that Respondent can practice with skill and safety.

2.5 Respondent's alleged conduct falls within Tier A of the Sanction Range. Respondent's conduct did not cause or create a moderate or severe risk of patient harm.

2.6 The disciplining authority considered the following aggravating factors:

- A. Motivation is for personal gain.
- B. Admission of facts, and
- C. Gravity of the misconduct.

2.7 The disciplining authority considered the following mitigating factors:

- A. Isolated incident and
- B. Past disciplinary record.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent's credential to practice as a registered nurse in the state of Washington shall be placed on **PROBATION** for at least twenty-four (24) months commencing on the effective date of this Stipulation. During the course of probation, Respondent shall comply with all of the following terms and conditions.

3.2 Respondent shall notify the Commission or its designee of current and future employment in the nursing field by submitting a job description directly to the Commission within ten (10) days of receipt of this Stipulation or change in employment.

3.3 Respondent shall cause his nursing employer to submit quarterly performance evaluation reports directly to the Commission on forms provided by the Commission. If Respondent is not employed as a registered nurse, Respondent shall submit quarterly declarations, under penalty of perjury, on forms provided by the Commission, stating dates of unemployment as a registered nurse, in lieu of the employer reports. The first employer report or unemployment declaration shall be due thirty (30) days from the effective date of this Stipulation. Reports or declarations shall be submitted every three (3) months thereafter, for the duration of probation or until otherwise ordered by the Commission. Failure to submit information and/or to make true statements may lead to further disciplinary action, up to and including suspension and revocation.

3.4 In addition to mandatory continuing education, within ninety (90) days of the effective date of this Stipulation, Respondent shall complete forty-five (45) hours of continuing education, pre-approved by the Commission or its designee, as follows:

- A. Thirty (30) hours of continuing education in the area of Ethics, and
- B. Fifteen (15) hours of continuing education in the area of Chemical Dependency.

Respondent shall provide the Commission with proof of completion of such course-work within thirty (30) days of such completion. Failure to complete the required minimum hours of pre-approved continuing education in the specified areas within the specified time(s) shall constitute violation of this Stipulation.

3.5 Respondent shall, within thirty (30) days, submit evaluative data from the course(s) taken, including a personal description of his experience and the instructors' evaluations of his performance.

3.6 Respondent shall submit a type written report of at least one thousand (1,000) words on "What will you do differently in the future to prevent this from happening again and a self-reflection concerning ethics and nursing." This report is to be submitted to the Commission for review and approval no later than thirty (30) days from the effective date of this Stipulation.

3.7 Any documents required by this Stipulation shall be sent to the Department of Health, Compliance Unit at PO Box 47864, Olympia, WA 98504-7864.

3.8 Respondent is responsible for all costs of complying with this Stipulation.

3.9 Respondent shall inform the Nursing Care Quality Assurance Commission Customer Service, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change. The mailing address for the Nursing Care Quality Assurance Commission Customer Service is PO Box 47864, Olympia, WA 98504-7864.

3.10 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Stipulation.

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4. RESPONDENT'S ACCEPTANCE

I, DANIEL K. STONEKING, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Stipulation.

Daniel Stoneking

DANIEL K. STONEKING
RESPONDENT

10/26/12

DATE

WSBA #

ATTORNEY FOR RESPONDENT

DATE

5. COMMISSION ACCEPTANCE

The Commission accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

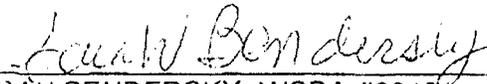
DATED: 1/25/ 2013

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION



PANEL CHAIR

PRESENTED BY:



SARAH BENDERSKY, WSBA #30481
DEPARTMENT OF HEALTH STAFF ATTORNEY

1/25/2013

DATE

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of:

DANIEL K. STONEKING,
Credential No. RN.RN.00172588,

Respondent.

Master Case No. M2014-19

EX PARTE ORDER OF
SUMMARY ACTION

PRESIDING OFFICER: Jerry D. Mitchell, Health Law Judge

On February 4, 2014, this matter came before the Presiding Officer on delegation by the Nursing Care Quality Assurance Commission (Commission) on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Nursing Program of the Department of Health (Department) through the Office of the Attorney General. The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion, and supporting evidence, grants the motion. CREDENTIAL SUSPENDED pending further action.

I. FINDINGS OF FACT

1.1 Respondent is a registered nurse credentialed by the state of Washington at all times applicable to this matter.

1.2 The Department issued a Statement of Charges alleging Respondent violated RCW 18.130.180(5). The Statement of Charges was accompanied by all other documents required by WAC 246-11-250.

EX PARTE ORDER OF
SUMMARY ACTION

Page 1 of 3

Master Case No. M2014-19

1.3 On or about August 6, 2013, the Texas Board of Nursing (Texas Board) revoked Respondent's credential to practice as a registered nurse. See Exhibits A and B attached to the Declaration of Catherine Woodard. Respondent remains prohibited from practicing as a registered nurse in the state of Texas.

1.4 The other jurisdiction based its prohibition on a finding that Respondent had been denied an application for licensure as a registered nurse in the state of California, which in itself was based on a finding that Respondent used drugs in a dangerous manner and committed the crime of shoplifting. In Washington, that conduct would violate RCW 18.130.180(1), (5), and (6).

II. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent's credential to practice as a registered nurse. RCW 18.130.040.

2.2 The disciplining authority shall summarily suspend Respondent's credential when Respondent is prohibited from practicing a health care profession in another jurisdiction because of conduct that is substantially equivalent to unprofessional conduct prohibited under the Uniform Disciplinary Act. RCW 18.130.050(8); RCW 18.130.370.

2.3 The act of having been denied application for licensure as a registered nurse in the state of California due to a finding that Respondent used drugs in a manner dangerous to himself or others and committed shoplifting, in the state of Texas, is substantially equivalent to unprofessional conduct prohibited by the Uniform Disciplinary Act, Chapter 18.130 RCW. RCW 18.130.180(1), (5), and (6).

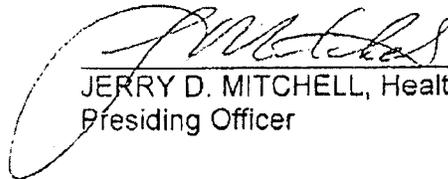
2.4 Respondent is currently prohibited from practicing nursing in the state of Texas because of an act of unprofessional conduct that is substantially equivalent to unprofessional conduct in this state. For that reason, Respondent's credential must be summarily suspended.

III. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a registered nurse is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Commission. Respondent shall immediately deliver all credential(s), including wall, display, and/or wallet, if any, to the Department.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and non-conviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in Chapter 70.02 RCW and Chapter 10.97 RCW. RCW 34.05.446(1), WAC 246-11-400(2) and (5).

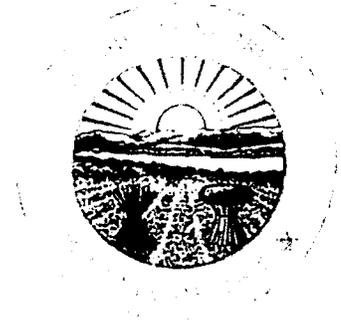
Dated this 5 day of February, 2014.


JERRY D. MITCHELL, Health Law Judge
Presiding Officer

For more information, visit our website at:
<http://www.doh.wa.gov/PublicHealthandHealthcareProviders/HealthcareProfessionalsandFacilities/Hearings.aspx>



I certify that the attached records are a true copy of the Ohio Board of Nursing licensure records.



Marlene Anielski

Marlene Anielski
Executive Director



Ohio Board of Nursing

Debra D. Griffin, Governor
L. Michael DeWine, Lieutenant Governor

Marilyn A. Lewis, Executive Director

Case # 12-005178

CONSENT AGREEMENT BETWEEN DANIEL K. STONEKING, RN APPLICANT AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between DANIEL K. STONEKING, RN APPLICANT ("MR. STONEKING"), and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723, of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

For purposes of this Agreement, "Consent Agreement" shall be defined as this Agreement and the following record attached hereto and incorporated herein:

- Board of Registered Nursing, Department of Consumer Affairs, State of California, Decision, effective July 25, 2012 (2012 California Decision);
- Texas Board of Nursing, Order of the Board, effective August 6, 2013 (2013 Texas Board Order);
- Washington Department of Health Nursing Quality Assurance Commission (Washington Commission) Ex Parte Order of Summary Action, effective February 5, 2014 (2014 Washington Summary Action Order);
- Washington Commission Findings of Fact, Conclusions of Law and Final Order of Default (Failure to Respond), effective March 25, 2014 (2014 Washington Default Order);
- Washington Commission Stipulated Findings of Fact, Conclusions of Law and Agreed Order on Reinstatement, effective March 9, 2017 (2017 Washington Reinstatement Order);
- Washington Commission Order on Termination of Probation, effective April 19, 2022 (2022 Washington Order of Release)

17 South High Street, Suite 600
Columbus, Ohio 43215

Phone: (614) 466-3947
Fax: (614) 466-0370

Board@Nursing.Ohio.gov
www.nursing.Ohio.gov

The Agency of Ohio is an Equal Opportunity Employer and does not discriminate on the basis of race, sex, or age.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any nursing license issued by the Board, reprimand or otherwise discipline a licensee, or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(1), ORC, authorized the Board to discipline a licensee for denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, including nursing, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.
- B. MR. STONEKING has submitted an Application to practice nursing in the State of Ohio as a Registered Nurse.
- C. MR. STONEKING knowingly and voluntarily admits to the following:
 1. He has a 2011 Shoplifting conviction and a 2012 Negligent Driving conviction (amended from Driving Under the Influence) in Washington state.
 2. The 2012 California Decision and 2013 Texas Board Order were results of his convictions. The Washington actions concern his convictions and the California and Texas Board actions. On April 19, 2022, he completed all terms and conditions stipulated in the 2017 Washington Reinstatement Order.
- D. In a written statement to the Board, MR. STONEKING reported:
 1. In the early part of 2010, his fiancé broke off their engagement and he did not cope well. He turned to substances to handle his emotional issues. In 2013, he began a personal journey of emotional healing and spiritual growth. He found healing, redemption, and sobriety.

ADDED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, MR. STONEKING shall be granted a license to practice in the State of Ohio as a Registered Nurse and that license is hereby **REPRIMANDED**.

MR. STONEKING shall:

Educational Requirements

1. Within six (6) months of the effective date of this Consent Agreement, successfully complete and submit satisfactory documentation of successful completion of the following continuing education, or other comparable course(s) approved in advance by the Board or its designee: four (4) hours Substance Use Disorder, four (4) hours Disciplinary Actions, and two (2) hours Ohio Nursing Law and Rules. Continuing education required by this Consent Agreement does not meet the continuing education requirements for license renewal.

ACKNOWLEDGMENTS/LIABILITY RELEASE

MR. STONEKING acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MR. STONEKING waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

MR. STONEKING waives any and all claims or cause of action he may have against the Board, and its members, officials, employees and or agents arising out of matters which are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in section 149.43, ORC. The information contained herein shall be reported to data banks and governmental bodies.

This Consent Agreement is not an adjudication order as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

DANIEL K. STONEKING, RN APPLICANT

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EFFECTIVE DATE

MR. STONEKING understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

Daniel Stoneking
DANIEL K. STONEKING, RN APPLICANT

DATE

Erin L. Keels DNP, APRN-CNP

ERIN L. KEELS, DNP, APRN-CNP
President, Ohio Board of Nursing

DATE *1/30/23*