

BEFORE THE TEXAS BOARD OF NURSING



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.
Patricia P. Thomas
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 654329 §
issued to STEVE HINTON § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 654329, issued to STEVE HINTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in nursing from Alvin Community College, Alvin, Texas on May 1, 1998. Respondent was licensed to practice professional nursing in the state of Texas on August 3, 1998.
5. Respondent's complete professional nursing employment history is unknown.
6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with West Houston Medical Center, Houston, Texas, and had been in this position for one (1) month.

7. On or about June 10, 2006, while employed as a Registered Nurse with West Houston Medical Center, Houston, Texas, Respondent engaged in the intemperate use of Morphine and Marijuana, in that Respondent produced a specimen for a probable cause drug screen which resulted positive for Morphine and Marijuana. Possession of Morphine and Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about December 5, 2008, Respondent signed a Consent to Voluntary Surrender Multistate Licensure Privilege in Arizona and Cease and Desist Order Number 0808116. Respondent lacked fitness to practice professional nursing in that he acknowledged abusing Opioids, specifically Morphine Sulfate and Dilaudid, and using Marijuana occasionally. Respondent admitted that he "had an issue" when refusing to submit to a for-cause urine drug screen at Christus St. Catherine's Hospital in Katy, Texas on or about February 17, 2007. Additionally, Respondent falsified his application to the Arizona Nursing Board when he failed to disclose his employment with Pulse Staffing, and specifically being assigned to Christus St. Catherine's Hospital in Katy, Texas.
9. Respondent maintains that, prior to the surrender of his Arizona multi-state license, he referred himself into the Texas Peer Assistance Program for Nurses (TPAPN) and successfully participated in that program for approximately six months without incident. This included a history of negative drug screens, completion of 90 AA meetings in 90 days, and compliance with all other recommendations made by TPAPN Staff. However, upon the initiation of the Board's investigation into allegations predating the Respondent's entry into TPAPN, Respondent's participation in TPAPN was terminated by the Board until the investigation was concluded.
10. Respondent contends that he has been completely sober since the surrender of his Arizona license in December of 2008. He maintains his sobriety with the assistance of his family, church, and other members of his support group. He presently resides in Arizona, does not practice as a nurse, and states he has no intention or desire to return to Texas to practice as a nurse. The Respondent is presently pursuing advanced degrees in psychology in Arizona. Accordingly, Respondent does not want to expend his limited resources contesting the Board's formal charges or trying to retain his Texas nursing license.
11. Charges were filed on September 16, 2008.

12. Charges were mailed to Respondent on September 22, 2008.
13. First Amended Formal Charges were filed on March 24, 2010.
14. First Amended Formal Charges were mailed to Respondent on March 26, 2010.
15. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice nursing in the State of Texas.
16. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
17. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 violations of Section 301.452(b)(8),(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 654329, heretofore issued to STEVE HINTON, including revocation of Respondent's license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered License Number 654329, heretofore issued to STEVE HINTON, to practice nursing in the State of Texas, 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 nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself 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: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

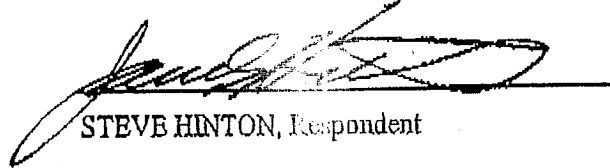
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

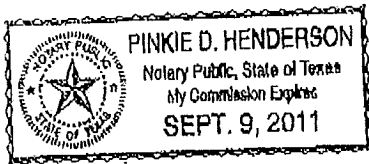
Signed this 4 day of July, 2010.


STEVE HINTON, Respondent

Sworn to and subscribed before me this 6 day of July, 2010.



Pinkie D. Henderson

SEAL



Notary Public in and for the State of Texas

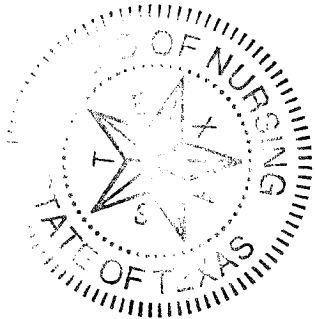
Approved as to form and substance.


DAN LYPE, Attorney for Respondent

Signed this 6 day of July, 2010.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 654329, previously issued to STEVE HINTON.

Effective this 6th day of July, 2010.



Katherine A. Thomas

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