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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number § AGREED
686379 and Vocational Nurse License Number §
175394 issued to STEPHANIE LYNN WHEAT § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bo produced evidence indicating that STEPHANIE LYNN WHEAT, hereinafter referred to Respondent, Registered Nurse License Number 686379 and Vocational Nurse License Number 175394, may have violated Section 301.452(b)(3),(9),(10),(12)&(13), Texas Occupations Code.

An informal conference was held on May 20, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Paul N. Buchanan, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Veronica Franco, Investigator; John De La Rosa, Investigator; Nancy Krause, Investigator; Dennis Riggins, Investigator and Elise Dunham, Investigator.

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.
2. Respondent waived, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing which is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Lamar State College, Orange, Texas, on December 17, 1999. Respondent was licensed to practice vocational nursing in the State of Texas in February 18, 2000. Respondent received an Associate Degree in Professional Nursing from Lamar State College, Orange, Texas, on December 1, 2001. Respondent was licensed to practice professional nursing in the State of Texas on June 4, 2002.

5. Respondent's complete nursing employment history includes:

3/00-3/02	LVN	Memorial Hermann Baptist Hospital Beaumont, Texas
4/02-10/02	LVN/RN	Nightingale Nursing Services Houston, Texas
11/02-2/03	RN	Houston Northwest Medical Center Houston, Texas
3/03-10/05	RN	Methodist Willowbrook Hospital Houston, Texas
11/05-3/06	RN	Medical Staffing Network Houston, Texas
3/06-5/06	RN Case Manager	Applied Healthcare Houston, Texas
3/06-3/07	RN	Health Priority Healthcare Houston, Texas
6/06-11/06	RN	Houston Northwest Medical Center Houston, Texas
4/07	Unknown	
5/07-Present	RN	Medi Home Care Beaumont, Texas

6. At the time of the incident, Respondent was employed as a registered nurse with Houston Northwest Medical Center, Houston, Texas, and had been in this position for approximately five (5) months.

7. On or about November 7, 2006, while employed with Houston Northwest Medical Center, Houston, Texas, Respondent lacked fitness to practice professional nursing, in that she exhibited impaired behavior including, but not limited to; hand trembling, sleeping on duty, and dazed appearance. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about November 7, 2006, while employed with Houston Northwest Medical Center, Houston, Texas, Respondent left her nursing assignment numerous times throughout her shift without notifying the appropriate personnel that she was leaving or giving report on her assigned patients. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in the patients not getting the care that they needed.
9. On or about November 7, 2006, while employed with Houston Northwest Medical Center, Houston, Texas, Respondent attempted to destroy a patient's Vital Signs Flowsheet which is part of a patient's permanent record by placing this item in the shredder box. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to administer further patient care.
10. On or about September 11, 2007, Respondent admitted to the intemperate and/or unlawful use of Cocaine on September 7, 2007, LSD and Morphine on or about August 2007, and Vicodin, Xanax, and Soma on September 11, 2007 while en-route to her polygraph appointment with B. Morris Covin. Possession of Cocaine, LSD, Morphine, Vicodin, and Xanax, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). Possession of Soma is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drugs Act). The use of Cocaine, LSD, Morphine, Vicodin, Xanax, and Soma 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.
11. On or about September 11, 2007, Respondent admitted that she misappropriated Vicodin, Xanax, and Soma belonging to patients' and facilities where she was employed. Respondent's conduct was likely to defraud the facilities and patients of the cost of the medications.
12. On or about March 11, 2008, Respondent plead "Guilty" to "RETALIATION" (a Third Degree Felony offense committed on March 7, 2007) under Cause No. 4610, in the 216th Judicial District Court, Gillespie County, Texas. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.

13. On or about March 11, 2008, Respondent plead "Guilty" to "POSSESSION OF CONTROLLED SUBSTANCE, TO WIT, COCAINE < 1 GRAM" (a State Jail Felony offense committed on March 7, 2007) under Cause No. 4623, in the 216th Judicial District Court, Gillespie County, Texas. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.
14. Formal Charges were filed on January 16, 2008.
15. Formal Charges were mailed to Respondent on January 18, 2008.
16. First Amended Formal Charges were filed on May 13, 2008.
17. First Amended Formal Charges were mailed to Respondent on May 15, 2008.
18. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional and vocational nursing in the State of Texas.
19. 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.
20. 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)(3),(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(I)&(P) and §217.12(1)(B)&(C),(4),(5),(6)(G),(10)(A)&(E),(11)(B),(12) &(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Numbers 686379 & 175394, heretofore issued to STEPHANIE LYNN WHEAT, including revocation of Respondent's professional and vocational 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, 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

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of Registered Nurse License Number 686379 and Vocational Nurse License Number 175394, heretofore issued to STEPHANIE LYNN WHEAT to practice professional and vocational 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 immediately deliver the wallet-sized licenses, heretofore issued to STEPHANIE LYNN WHEAT, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered nurse" or "vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered nurse or a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse or a vocational nurse during the period in which the license is surrendered.
3. 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.
4. 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 multistate licensure privilege, if any, to practice professional or vocational nursing in the State of Texas.

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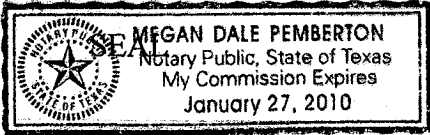
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 28 day of August, 2008.

Stephanie Lynn Wheat
STEPHANIE LYNN WHEAT, Respondent

Sworn to and subscribed before me this 28 day of August, 2008.



Megan Dale Pemberton
Notary Public in and for the State of TX

Approved as to form and substance.

Paul Buchanan
PAUL N. BUCHANAN, Attorney for Respondent

Signed this 26 day of Aug, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby accept the voluntary surrender of nursing Registered Nurse License Number 686379 and Vocational Nurse License Number 175394, previously issued to STEPHANIE LYNN WHEAT.

Effective this 3rd day of September, 2008.



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