

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 684562 § AGREED
issued to STEPHEN L. ATHERTON § ORDER



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
 Executive Director of the Board

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of STEPHEN L. ATHERTON, Registered Nurse License Number 684562, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10), (12), & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 1, 2006, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal conference, 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 New Mexico Junior College, Hobbs, New Mexico, on July 1, 2001. Respondent originally became licensed to practice professional nursing in the State of Texas on February 26, 2002.
5. Respondent's professional nursing employment history is as follows:

2/2002 - 4/2002	Staff Nurse	Lone Star Nurses, LLC San Antonio, Texas
4/2002 - 11/2002	Staff Nurse	Nurses by Prescription Unknown
9/2002 - 10/2002	Staff Nurse	Arlington Memorial Hospital Arlington, Texas

Respondent's professional nursing employment continued.

11/2002 - 5/2004	Staff Nurse	Trinity Medical Center Carrollton, Texas
3/2003 - 4/2003	Staff Nurse	Osteopathic Medical Center of Texas Dallas, Texas
9/2004 - 12/2004	Staff Nurse	Huguley Memorial Center Burleson, Texas
12/2004 - 02/2005	Staff Nurse	Centennial Medical Center Frisco, Texas
02/2005 - 06/2005	Staff Nurse	Plaza Medical Center Fort Worth, Texas
06/2005 - Present		Unknown

6. On or about December 19, 2004, while employed at Huguley Memorial Medical Center, Fort Worth, Texas, Respondent was observed to be in an impaired state, unable to stay awake, disoriented, and unable to remember his pyxis code. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
7. On or about December 19, 2004, while employed at Huguley Memorial Medical Center, Fort Worth, Texas, Respondent engaged in the intemperate use of Morphine and Marijuana, in that he produced a specimen 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 February 21, 2005, through February 28, 2005, while employed with Quality Care Professionals, Arlington, Texas, and on duty at Centennial Medical Center, Frisco, Texas, Respondent misappropriated Meperidine belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about February 21, 2005, through February 28, 2005, while employed with Quality Care Professionals, Arlington, Texas, and on duty at Centennial Medical Center, Frisco, Texas, Respondent withdrew Meperidine in excess of or without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Meperidine in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.

10. On or about June 6, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent was observed asleep while on duty. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
11. On or about June 6, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent failed to follow the procedure for wastage of Demerol. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On or about June 6, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent withdrew Demerol in excess of or without a physician's order. Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
13. On or about June 6, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent failed to administer medication to patients in a timely manner. Respondent's conduct was likely to injure the patients in that failure to administer medication in a timely manner could have resulted in nonefficacious treatment.
14. On or about June 6, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent misappropriated Demerol belonging to the facility and the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
15. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
16. 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.
17. Respondent's conduct described in Findings Numbers Six (6) through Fourteen (14) was significantly influenced by Respondent's chemical dependency.
18. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9), (10), (12), & (13), Texas Occupations Code, and 22 Tex. Admin. Code § 217.12(1)(A), (5), (6)(G), (8), & (10)(C) & (D) and § 217.11(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 684562, heretofore issued to STEPHEN L. ATHERTON, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all

respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

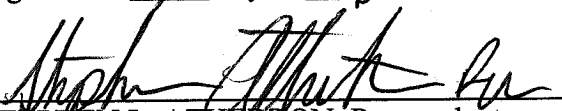
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RESPONDENT'S CERTIFICATION

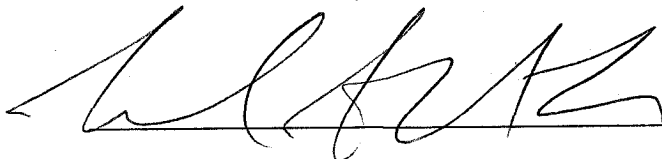
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Finding of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and 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 Board of Nurse Examiners, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of September, 2006.

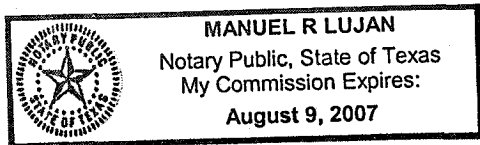

STEPHEN L. ATHERTON, Respondent

Sworn to and subscribed before me this 20th day of September, 2006.

SEAL



Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 20th day of September, 2006, by STEPHEN L. ATHERTON, Registered Nurse License Number 684562, and said Order is final.

Entered and effective this 26th day of September, 2006.



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