

Respondent's vocational nursing employment history continued:

November 1997	-	January 1998	Unknown
February 1998	-	August 1998	Staff Nurse Bonner Place Jacksonville, Texas
September 1998	-	December 1999	Staff Nurse Oak Park Care Center Rusk, Texas
July 1999	-	September 2001	Staff Nurse UTMB/Skyview Hospital Rusk, Texas
October 2001	-	April 2002	Unknown
May 2002	-	July 2004	Staff Nurse CLC Oak Park Rusk, Texas
August 2004	-	Present	Unknown

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff Nurse with CLC Oak Park, Rusk, Texas, and had been employed in this position for two (2) years and two (2) months.
7. On or about July 7, 2004, while employed as a Staff Nurse with CLC Oak Park, Rusk, Texas, Respondent failed to administer medications/treatments to patients as ordered by the physician. Respondent's conduct was likely to injure the patients in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
8. On or about July 7, 2004, while employed as a Staff Nurse with CLC Oak Park, Rusk, Texas, Respondent failed to document the administration of as needed (PRN) medications and narcotics in the patients' Medication Administration Record (MAR) and/or nurses notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on Respondent's documentation to further medicate the patients.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that, "The medications were changed per physician order without my knowledge. The nurse who took the order failed to place the order in follow-up and they failed to pass the information along to the next shift so that medication errors could be avoided. I have to admit that if I don't put it on the MAR at the very minute I give a medication, I get busy and forget to do so."
10. On or about April 5, 2006, Respondent underwent a forensic psychological evaluation with chemical dependency and polygraph components by John Lehman, Ph.D., Clinical Psychologist, in which Dr. Lehman diagnosed Respondent with moderate major depression and recommended that Respondent be referred to the Texas Peer Assistance Program for Nurses (TPAPN) so that appropriate psychological treatment for Respondent could be monitored.
11. 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 violations of Section 301.452 (b) (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11 (2) and (4).
4. The evidence received is sufficient cause pursuant to Section 301.452 (b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 155844, heretofore issued to STEVEN GENE GARDINER, including revocation of Respondent's vocational 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 three hundred fifty dollars (\$350) 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 vocational 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 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 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 Findings 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

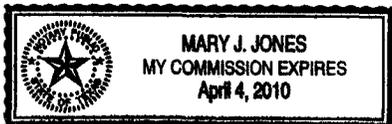
Signed this 6th day of June, 2006.

Steven Gene Gardiner
STEVEN GENE GARDINER, Respondent

Sworn to and subscribed before me this 6 day of June, 2006.

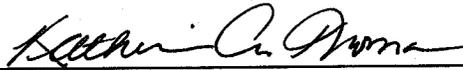
SEAL

Mary J. Jones
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 6th day of June, 2006, by STEVEN GENE GARDINER, Vocational Nurse License Number 155844, and said Order is final.

Effective this 12th day of June, 2006.



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