BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of | § | AGREED |
| Registered Nurse License Number 679123 | § | |
| issued to STEVEN HOWARD BUTCHER | § | ORDER |

BOARD OF NURSING TEXAS
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEVEN HOWARD BUTCHER, Registered Nurse License Number 679123, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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 served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

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

3. Respondent's license to practice as a professional nurse in the State of Texas is in delinquent status.

4. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 10, 2001. Respondent was licensed to practice professional nursing in the State of Texas on July 17, 2001.

5. Respondent's professional nursing employment history includes:

| | | |
|---|---|---|
| 07/2001 - 11/2003 | RN | Harris Methodist<br>Fort Worth, TX |
| 11/2003 - 06/2006 | RN PRN | Hill Regional Hospital<br>Hillsboro, TX |

(NURSE EMPLOYMENT HISTORY CONTINUED)

| | | |
|---|---|---|
| 01/2006 - 06/2006 | RN | Campbell Health System<br>Weatherford, TX |
| 06/2006 - 01/2007 | RN<br>Interim ED/ICU Director | Hill Regional Hospital<br>Hillsboro, TX |
| 11/2006 - 04/2008 | RN | Methodist Mansfield Hospital<br>Mansfield, TX |
| 05/2008 - unknown | RN | Kindred Hospital<br>Fort Worth, TX |

6. On or about July 26, 2010, Respondent was issued the sanction of an Enforced Suspension by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Order of the Board dated July 26, 2010, is attached and incorporated, by reference, as part of this Order.

7. On or about November 15, 2010, Respondent failed to comply with the Agreed Order issued to Respondent on September 14, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the order which reads, in pertinent part:

   (13) "RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose..."

   On or about August 3, 2011, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED/OPEN ALCH CONTAINER, a Class B misdemeanor offense, committed on November 15, 2010, in the County Court at Law, Hill County, Texas, under Cause No. M0377-11. As a result of the conviction, Respondent was sentenced to confinement in the Hill County Jail for a period of six (6) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

8. On or about March 15, 2011, Respondent failed to comply with the Agreed Order issued to Respondent on September 14, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the order which reads, in pertinent part:

(13) "RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose..."

On or about November 9, 2011, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on March 15, 2011, in the county Court at Law, Hill County, Texas, under Cause No. M0413-11. As a result of the conviction, Respondent was sentenced to confinement in the Hill County Jail for a period of six (6) months; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

9. On or about December 3, 2012, Respondent may have lacked fitness to practice professional nursing in that he submitted a License Renewal Form (Delinquent for over 90 days) to the Texas Board of Nursing in which he answered "Yes" to the question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)"

10. Formal Charges were filed on July 11, 2014.

11. Formal Charges were mailed to Respondent on July 17, 2014.

12. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

13. 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.

14. 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(5),(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 679123, heretofore issued to STEVEN HOWARD BUTCHER, including revocation of Respondent's license(s) 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.

## TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Registered Nurse License Number 679123, heretofore issued to STEVEN HOWARD BUTCHER, 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/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/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:
   A. One (1) year has elapsed from the date of this Order; and
   B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition for reinstatement.

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.

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CONTINUED ON NEXT PAGE.

## 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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 9th day of February 2015.

Steven Howard Butcher

STEVEN HOWARD BUTCHER, Respondent

Sworn to and subscribed before me this 9th day of February, 2015.

SEAL L S HUGHES
Notary Public
STATE OF TEXAS
My Comm. Exp. Feb 15, 2017

L S Hughes

Notary Public in and for the State of Texas

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 679123, previously issued to STEVEN HOWARD BUTCHER.

Effective this 10th day of February, 2015.

Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

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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.
Executive Director of the Board

| | | |
|---|---|---|
| In the Matter of Registered Nurse | § | AGREED |
| License Number 679123 | § | |
| issued to STEVEN HOWARD BUTCHER | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of STEVEN HOWARD BUTCHER, Registered License Number 679 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on July 26, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

## 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 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 McLennan Community College, Waco, Texas, on May 10, 2001. Respondent was licensed to practice professional nursing in the State of Texas on July 17, 2001.

5. Respondent's complete professional nursing employment history includes:

| | | |
|---|---|---|
| 07/2001 - 11/2003 | RN | Harris Methodist<br>Fort Worth, Texas |
| 11/2003 - 06/2006 | RN PRN | Hill Regional Hospital<br>Hillsboro, Texas |

Respondent's complete professional nursing employment history continued:

| | | |
|---|---|---|
| 01/2006 - 06/2006 | RN | Campbell Health System<br>Weatherford, Texas |
| 06/2006 - 01/2007 | RN<br>Interim ED/ICU Director | Hill Regional Hospital<br>Hillsboro, Texas |
| 11/2006 - 04/2008 | RN | Methodist Mansfield Hospital<br>Mansfield, Texas |
| 05/2008 - Present | RN | Kindred Hospital<br>Fort Worth, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Methodist Mansfield Hospital, Mansfield, Texas, and had been in this position for approximately one (1) year and four (4) months.

7. On or about March 31, 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent lacked fitness to practice professional nursing, in that he admitted himself to Millwood Hospital, Arlington, Texas, for treatment of chemical dependency following an overdose on Hydrocodone. Respondent's conduct 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.

8. In response to Finding of Fact Number Seven (7), Respondent states: I was admitted to Millwood Hospital in Arlington, Texas for chemical dependency following an overdose on Hydrocodone.

9. On or about March 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent misappropriated Dilaudid that had previously been prescribed for discharged patients. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

10. On or about March 29, 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Opiates, in that he produced a specimen for a drug screen which resulted positive for Benzodiazepines and Opiates. Possession of Benzodiazepines and Opiates, without a valid prescription, is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Opiates, by a Registered nurse, while subject to call or duty, 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 March 10, 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent withdrew Demerol and Dilaudid from the Medication Dispensing System (Omnicell) for patients without valid physicians' orders, as follows:

| Date | MR/Account Number | Physician's Orders | Medication Dispensing System (Omnicell) Record |
|---|---|---|---|
| 03/10/2008 | MA0500467386 | None. | 12:50am Hydromorphone 2mg/1ml vial (1 inj) |
| 03/10/2008 | MA0572001204 | None. | 1:24pm Hydromorphone 2mg/1ml vial (1 inj) |
| 03/10/2008 | MA0500465067 | None. | 1:41pm Meperidine 50mg/1ml (1 syr) |
| 03/10/2008 | MA0500465208 | None. | 2:55pm Hydromorphone 2mg/1ml vial (1 inj) |
| 03/10/2008 | MA0572001246 | None. | 7:45pm Hydromorphone 2mg/1ml vial (1 inj) |
| 03/10/2008 | MA0500465067 | None. | 10:04pm Hydromorphone 2mg/1ml (1 inj) |

Respondent's conduct was likely to injure the patients in that the administration of Demerol and Dilaudid without a valid physician's order could result in the patient suffering from adverse reactions.

12. On or about March 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent withdrew Demerol from the Medication Dispensing System (Omnicell) for patients in excess frequency/dosage of the Physician's Orders, as follows:

| Date | MR/Account Number | Physician's Orders | Omnicell Record | Medication Administration Record | Nurses Notes |
|---|---|---|---|---|---|
| 03/09/2008 | MA0500465869 | Demerol 25 mg IV | 10:18pm Meperidine 50mg/1ml amp (1 syr) | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 6:59pm Meperidine 50mg/1ml amp (1 syr) | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 8:09pm Meperidine 50mg/1ml amp (1 syr) | None | 2018 pt feeling better after meds |

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 March 9, 2008 through March 28, 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent withdrew Demerol and Dilaudid from the Medication Dispensing System (Omnicell) for patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or nurse's notes, as follows:

| Date | MR/Account Number | Physician's Order | Omnicell Record | Medication Administration Record | Nurses Notes | Wastage |
|---|---|---|---|---|---|---|
| 03/09/2008 | MA0500465869 | Meperidine 25mg IV | 9:52pm Meperidine 25mg/1ml inj (1 inj) | None. | 2030 meds given | None. |
| 03/09/2008 | MA0500465869 | Meperidine 25mg IV | 10:18pm Meperidine 50mg/1ml amp (1 syr) | | | |
| 03/10/2008 | MA0500467386 | None. | 12:50am Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0572001204 | None. | 1:24pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0500465067 | None. | 1:41pm Meperidine 50mg/1ml inj (1 syr) 1347 Dc'd by BUST (Butcher, Steven), effective 1348 | None. | None | None. |
| 03/10/2008 | MA0500465208 | None. | 2:55pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0572001246 | None. | 7:45pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0500465067 | None. | 10:04pm Hydromorphone 2mg/1ml (1 inj) | None. | None. | None. |
| 03/11/2008 | MA0500465067 | None | 4:04pm Meperidine 50mg/1ml inj (1 syr) 1626 Dc'd by BUST (Butcher, Steven), effective 1627 | None | None. | None. |
| 03/13/2008 | MA0500465067 | None. | 9:07am Hydromorphone 2mg/1ml (1 inj) 1507 Dc'd by BUST (Butcher, Steven), effective 1508 | None | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 6:59pm Meperidine 25mg/1ml inj (1 inj) | None. | None. | None. |
| 03/28/2008 | MA050492095 | Demerol 25mg IVP | 6:59pm Meperidine 50mg/1ml amp (1 syr) | None. | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 8:09pm Meperidine 50mg/1ml amp (1 syr) | None | 2018 pt feeling better after meds | None. |

Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

14. On or about March 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent withdrew Demerol and Dilaudid from the Medication Dispensing System (Omnicell) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications, as follows:

| Date | MR/Account Number | Physician's Order | Omnicell Record | Medication Administration Record | Nurses Notes | Wastage |
|---|---|---|---|---|---|---|
| 03/09/2008 | MA0500465869 | Meperidine 25mg IV | 9:52pm Meperidine 25mg/1ml inj (1 inj) | None. | 2030 meds given | None. |
| 03/09/2008 | MA0500465869 | Meperidine 25mg IV | 10:18pm Meperidine 50mg/1ml amp (1 syr) | None. | None. | None. |
| 03/10/2008 | MA0500467386 | None. | 12:50am Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0572001204 | None. | 1:24pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0500465067 | None. | 1:41pm Meperidine 50mg/1ml inj (1 syr)<br>1347 Dc'd by BUST (Butcher, Steven), effective 1348 | None. | None. | |
| 03/10/2008 | MA0500465208 | None. | 2:55pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0572001246 | None. | 7:45pm Hydromorphone 2mg/1ml vial (1 inj) | None. | None. | None. |
| 03/10/2008 | MA0500465067 | None. | 10:04pm Hydromorphone 2mg/1ml (1 inj) | None. | None. | None. |
| 03/11/2008 | MA0500465067 | None | 4:04pm Meperidine 50mg/1ml inj (1 syr)<br>1626 Dc'd by BUST (Butcher, Steven), effective 1627 | None | None. | None. |
| 03/13/2008 | MA0500465067 | None. | 9:07am Hydromorphone 2mg/1ml (1 inj)<br>1507 Dc'd by BUST (Butcher, Steven), effective 1508 | None | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 6:59pm Meperidine 25mg/1ml inj (1 inj) | None. | None. | None. |
| 03/28/2008 | MA050492095 | Demerol 25mg IVP | 6:59pm Meperidine 50mg/1ml amp (1 syr) | None. | None. | None. |
| 03/28/2008 | MA0500492095 | Demerol 25mg IVP | 8:09pm Meperidine 50mg/1ml amp (1 syr) | None | 2018 pt feeling better after meds | None. |

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 418 of the Texas Health and Safety Code (Controlled Substances Act).

15. On or about March 9, 2008 through March 29, 2008, while employed as a Registered Nurse with Methodist Mansfield Medical Center, Mansfield, Texas, Respondent misappropriated Demerol and Dilaudid from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility or patients of the cost of the medications.

16. On or about May 10, 2010, while employed as a Registered Nurse with Kindred Hospital, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that he admitted himself to Valley Hope, Grapevine, Texas, for treatment of his drug addiction. Respondent's conduct 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.

17. In response to Finding of Fact Number Sixteen (16), Respondent states: On Monday, May 10, 2010, I checked myself in to Valley Hope in Grapevine, Texas for drug addiction. I underwent intense inpatient treatment and was released May 25, 2010. At this time, I am in a 6 week outpatient program that is 3 days a week for 6 weeks, as well as attending AA/NA meetings. They are requiring me to attend 90 meetings in 90 days.

18. 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)(9),(10),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5),(6)(G),(10)(A),(B),(C),(D)&(11)(B).

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 679123, heretofore issued to STEVEN HOWARD BUTCHER, including revocation of Respondent's license to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 679123, previously issued to STEVEN HOWARD BUTCHER, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides

documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

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.

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

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of the

suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64)**

**HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice

nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method

accepted by the Board.

Specimens shall be screened for at least the following substances:

| | |
|---|---|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must

indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

## 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. 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 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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of August, 2010.

Steven Howard Butcher

STEVEN HOWARD BUTCHER, Respondent

Sworn to and subscribed before me this 18 day of August, 2010.

SEAL

Notary Public in and for the State of April 19, 2013

DONA LAMANCE
Notary Public, State of Texas
My Commission Expires
April 19, 2013

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the *18th* day of *August*, 20*10*, by STEVEN HOWARD BUTCHER, Registered Nurse License Number 679123, and said Order is final.

Effective this *14th* day of *September*, 20*10*.

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