

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 610350	§	
issued to JEFFERY ALLEN STOUT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEFFERY ALLEN STOUT, Registered Nurse License Number 610350, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on November 4, 2007, 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 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 Becker College, Worcester, Massachusetts, in May 1994. Respondent was licensed to practice professional nursing in the State of Connecticut on June 24, 1994, and was licensed to practice professional nursing in the State of Texas on October 10, 1994.

5. Respondent's professional nursing employment history includes:

1994 to 1995	Staff Nurse	Matulatis Nursing Home Putman, Connecticut
1995 to 1998	Staff Nurse	Parkland Memorial Hospital Dallas, Texas

Respondent's professional nursing employment history continued:

1998 to 05/1999		Not employed in Nursing
06/1999 to 03/2006	Nursing Director Emergency Dept.	Mesquite Community Hospital Mesquite, Texas
04/2006 to Present	Unknown	

6. On or about July 20, 2000, Respondent's license to practice professional nursing in the State of Texas was issued a Warning with Stipulations through an Agreed Order by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Order dated July 20, 2000, is attached and incorporated by reference as part of this Order.
7. On or about December 6, 2000, Respondent's license to practice professional nursing in the State of Connecticut was placed on probation through a Consent Order by the Bureau of Regulatory Services, Department of Public Health, State of Connecticut. A copy of the Consent Order dated December 6, 2000, is attached and incorporated by reference as part of this Order.
8. At the time of the initial incident in Finding of Fact Number Nine (9), Respondent was employed as the Nursing Director of the Emergency Department with Mesquite Community Hospital, Mesquite, Texas, and had been in this position for six (6) years and eight (8) months.
9. On or about February 19, 2006, through March 2, 2006, while employed as the Nursing Director of the Emergency Department with Mesquite Community Hospital, Mesquite, Texas, Respondent failed to submit the Safe Harbor Peer Review request filed by Nurse JD to the Nurse Executive Committee, as required. Respondent's conduct was likely to injure patients in that it prevented the facility from identifying and taking corrective action toward possibly unsafe nursing practices.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states he received the Safe Harbor request, reviewed it and set a meeting with Nurse JD to discuss her concerns about staffing. Respondent states that he and Nurse JD agreed to monitor the staffing pattern closely, and if she felt at any time the same difficult situations were occurring, he would be notified and would proceed with the filing of the paperwork, including bringing it to the next scheduled Nurse Executive Committee meeting.

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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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(P) and 217.12(2).
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 610350, heretofore issued to JEFFERY ALLEN STOUT, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 privilege, if any, to practice professional nursing in compact states.

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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to JEFFERY ALLEN STOUT, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, 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) contact 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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this

Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

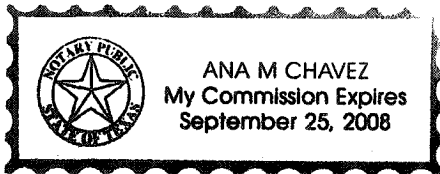
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3rd day of December, 2007.

Jeffery Allen Stout
JEFFERY ALLEN STOUT, Respondent

Sworn to and subscribed before me this 3rd day of December, 2007.

SEAL



Ana M. Chavez
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of December, 2007, by JEFFERY ALLEN STOUT, Registered Nurse License Number 610350, and said Order is final.

Effective this 17th day of January, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 610350 § AGREED
issued to JEFFERY ALLEN STOUT § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JEFFERY ALLEN STOUT, License Number 610350, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 7, 2000, 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Becker College, Worcester, MA in May 1994 and was licensed to practice nursing in the State of Texas in October 1994.

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5. Respondent's professional employment history includes:

5/94 - 12/94	RN Charge Nurse	Matulaitis Nursing Home Punam, CT
1/95 - 12/98	Staff Nurse/Charge OB/GYN/ER	Parkland Memorial Hospital Dallas, Texas
12/98 - 6/99	Unemployed in nursing	
6/99 - Present	RN Staff Nurse	Mesquite Community Hospital Mesquite, Texas

6. At the time of the incident, Respondent was employed as a Charge Nurse in the Emergency Department with Parkland Memorial Hospital, Dallas, Texas and had been in this position for two (2) years and eleven (11) months.

7. On or about December 2, 1998 through December 3, 1998, while employed as Charge Nurse in the Emergency Department at Parkland Memorial Hospital, Dallas, Texas, Respondent falsely documented vital signs in the medical records for patients that he did not actually perform as follows:

<u>DATE/TIME</u>	<u>PATIENT</u>
12/2/98 @ 0135	1990811
12/2/98 @ 0100	2040770
12/2/98 @ 0130	1433367
12/2/98 @ 0132	1477741

Respondent's conduct resulted in an inaccurate medical record which would deceive subsequent caregivers regarding the patients' true condition and status.

8. Respondent states that in order to prioritize the heavy patient load he was assigned on the 7:00p.m. to 7:00a.m. shift, December 2, 1998 through December 3, 1998, he did visual assessments of the stable patients identified in Findings of Fact No. 7 above which enabled him to care for the more critical patients that required his immediate attention.

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 of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN. and 22 TEXAS ADMIN. CODE §217.13(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 610350, heretofore issued to JEFFERY ALLEN STOUT, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to JEFFERY ALLEN STOUT, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) hours in length. In order for the course to be approved, the target audience must include registered nurses. The course must contain content on the following: guidelines and processes for good reporting and recording; legal guidelines for recording; methods of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board has for relicensure.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics to include professional boundaries. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) contact hours in length. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(5) RESPONDENT SHALL pay a monetary fine in the amount of \$500.00. RESPONDENT SHALL pay this fine within 30 days of entry of this Order. Payment is to made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(6) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations conditions on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations conditions on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided 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 to the Board's office within five (5) days of employment as a professional nurse.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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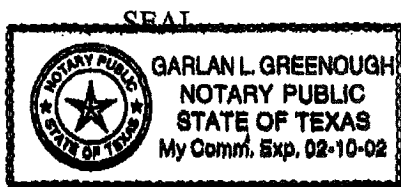
RESPONDENT'S CERTIFICATION

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

Signed this 19th day of June, 2000.

Jeffery Allen Stout
JEFFERY ALLEN STOUT, Respondent

Sworn to and subscribed before me this 19th day of June, 2000



Garlan L. Greenough
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 19th day of June, 2000, by JEFFERY ALLEN STOUT, License Number 610350, and said Order is final.

Effective this 20th day of July, 2000.



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

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES**

In Re: Jeffery Allen Stout, R.N.

Petition No. 2000-0919-010-058

CONSENT ORDER

WHEREAS, Jeffery Allen Stout, R.N. (hereinafter "respondent") of Mesquite, Texas, has been issued license number E56590 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits and acknowledges that:

1. On December 2, 1998, in the course of his duties as emergency department charge nurse at Parkland Hospital in Dallas, Texas, respondent charted vital signs for four patients whose vital signs he did not actually measure. On July 20, 2000, the Board of Nurse Examiners for the State of Texas issued an Agreed Order imposing a Warning With Stipulations with respect to respondent's license in Texas. A copy of said order is attached hereto as Appendix A.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, 20-99(b), including but not limited to:
 - a. 20-99(b)(2); and/or
 - b. 20-99(b)(6).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations at a hearing in front of the Board of Examiners for Nursing (hereinafter "the Board").

Respondent further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to §§19a-9, 19a-10, and 20-99(b) of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-99(a) of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent shall comply with all federal and state statutes and regulations applicable to her profession.
3. Respondent's license number E56590 to practice as a registered nurse in the State of Connecticut is hereby placed on probation until July 20, 2001, subject to the following terms and conditions:
 - A. Respondent shall provide a copy of this Consent Order to all current and future employers and to the Board of Nurse Examiners for the State of Texas.
 - B. Respondent shall comply with all terms of the Agreed Order dated July 20, 2000 of the Board of Nurse Examiners for the State of Texas. Said Board shall notify the Connecticut Department of Public Health within fifteen days of any violation of said order and within fifteen days of the satisfactory completion of its terms.
 - C. In the event that respondent accepts employment as a nurse in Connecticut during the period of his probation, he shall provide a report from his employer monthly for the duration of his probation. Said report shall state whether respondent is practicing with reasonable skill and safety.
 - D. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

E. All correspondence and reports shall be addressed to:

Bonnie Pinkerton
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. Any violation of the terms of this Consent Order without prior written approval by the Board shall constitute grounds for the Department to seek revocation of respondent's nursing license following notice and an opportunity to be heard.
5. Any extension of time or grace period for reporting granted by the Board shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods.
6. Legal notice of any action shall be deemed sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department.
7. This Consent Order is effective on the first day of the month immediately following the month in which this Consent Order is approved and accepted by the Board.
8. Respondent understands this Consent Order is a matter of public record.
9. Respondent understands this Consent Order may be considered as evidence of the above admitted violations in any proceeding before the Board in which (1) his compliance with this same Consent Order is at issue, or (2) his compliance with §20-99(b) of the General Statutes of Connecticut, as amended, is at issue.
10. In the event respondent violates a term of this Consent Order, respondent agrees immediately to refrain from practicing as a registered nurse, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further

agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that his failure to cooperate with the Department's investigation shall be considered by the Board and shall be given due weight by the Board in determining whether respondent's conduct constitutes a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.

11. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
12. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 and 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that respondent may have under the laws of the State of Connecticut or of the United States.
13. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. The Department and respondent understand

that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

14. Respondent has had the opportunity to consult with an attorney prior to signing this document.

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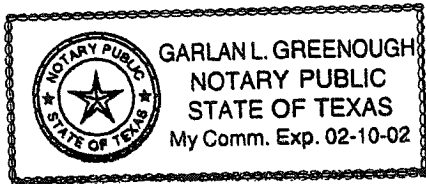
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I, Jeffery Allen Stout, have read the above Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Jeffery A. Stout
Jeffery Allen Stout

Subscribed and sworn to before me this 18th day of November, 2000.



Garlan L. Greenough
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 28th day of November, 2000, it is hereby accepted.

Kathleen Zarrella
Kathleen Zarrella, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Nursing on the 6th day of December, 2000, it is hereby ordered and accepted.

BY: Mary Ellen O'Sullivan
Connecticut Board of Examiners for Nursing

dmt/stout
consent