BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 143074	§	
issued to STEPHEN DOUGLAS LEWIS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEPHEN DOUGLAS LEWIS, Vocational Nurse License Number 143074, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec. 10(a)(2)&(9), Texas Revised Civil Statutes. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 3, 2007, 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 vocational nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Richmond Technical Center, Richmond, Virginia, on April 2, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on September 15, 1993.

5. Respondent's vocational nursing employment history is unknown.

6. On or about May 1, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question: "Have you ever been convicted, placed on community supervision whether or not

adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt."

A. On or about December 19, 1974, Respondent was arrested for the offense of Drunkenness, a misdemeanor, by the Austin Police Department, Austin, Texas, was convicted and paid a fine.

B. On or about May 11, 1976, Respondent was arrested for the offense of Driving Under Influence of Liquor, a misdemeanor, by the Austin Police Department, Austin, Texas. On or about December 15, 1976, Respondent was convicted of the offense of Driving Under the Influence of Liquor, a misdemeanor, in Travis County, Texas. Respondent was sentenced to one (1) year probation and ordered to pay a fine and court costs in the amount of $338.

C. On or about July 30, 1978, Respondent was arrested for the offense of Driving Under Influence of Liquor, a misdemeanor, by the Austin Police Department, Austin, Texas. On or about September 7, 1978, Respondent was convicted of the offense of Driving Under the Influence of Liquor, a misdemeanor, in Travis County, Texas. Respondent was sentenced to ten (10) days confinement and ordered to pay a fine and court costs in the amount of $338.

D. On or about December 2, 1983, Respondent was convicted of the offense of Driving While Intoxicated, Subsequent Offense, a felony, in the 167th District Court, Travis County, Texas, Cause #71,372. Respondent was sentenced to three (3) years confinement in the Texas Department of Corrections with the imposition of sentence suspended, and placed on three (3) years probation and court costs in the amount of $67.

On or about August 3, 1984, Respondent's probation was revoked in the 167th District Court, Travis County, Texas. Respondent was sentenced to one (1) year confinement in the Travis County Jail for one (1) year, with credit given for time served in custody for twenty-one (21) days.

E. On or about March 31, 1995, Respondent was arrested for the offense of Driving While Intoxicated, a misdemeanor, by the Austin Police Department, Austin, Texas. On or about April 25, 1995, Respondent was convicted of the offense of Driving While Intoxicated, a Class B misdemeanor, in the County Court at Law No. 5, Travis County, Texas, Cause #433934. Respondent was sentenced to one hundred (100) days confinement, ordered to pay a fine in the amount of $300, and court costs in the

amount of $263.

F. On or about June 4, 1996, Respondent was arrested for the offense of Driving While Intoxicated 3rd or More, a felony, by the Austin Police Department, Austin, Texas. On or about July 18, 1996, Respondent was convicted of the offense of Driving While Intoxicated 2nd, a Class A misdemeanor offense, in the County Court at Law No. 6 of Travis County, Texas, Cause #459054. Respondent was sentenced to one hundred fifty (150) days confinement and ordered to pay court costs in the amount of $245.

7. On or about August 21, 1993, Respondent submitted an Application By Examination to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the following question: "Have you ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?" Respondent failed to disclose the subsequent convictions on his renewals.

8. On or about November 28, 2007, Respondent submitted a written statement related to Finding of Fact number seven (7), in which he stated,"I did not knowingly provide false, deceptive and/or misleading information. The incident is so far in the past, that I can only surmise that I did not thoroughly read the application before signing it. Years later, on another application for renewal of license, I answered to the best of my comprehension."

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 4528c, sec. 10(1)(2)&(9), Texas Revised Civil Statutes, and 22 TEX. ADMIN. CODE §239.11(8) and (29)(A)(iv).

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, 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 Vocational 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 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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to STEPHEN DOUGLAS LEWIS to the office of the Texas Board of Nursing within ten (10) days of 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 <u>not</u> 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 SEVEN HUNDRED FIFTY DOLLARS ($750.00). 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 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 violation 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 when this Order becomes final and the terms of this Order become effective, 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 5th day of FEBRUARY, 2008.

Stephen Douglas Lewis

STEPHEN DOUGLAS LEWIS, Respondent

Sworn to and subscribed before me this 5th day of FEBRUARY, 2008.

SEAL

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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 ratify and adopt the Agreed Order that was signed on the 5th day of February, 2008, by STEPHEN DOUGLAS LEWIS, Vocational Nurse License Number 143074, and said Order is final.

Effective this 14th day of February, 2008.

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