

BEFORE THE 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.
Patricia R. Thomas
Executive Director of the Board

In the Matter of Vocational Nurse §
License Number 155390 and Registered Nurse §
License Number 718763 §
issued to STEPHEN NORWOOD JANSKY §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 155390, and Registered Nurse License Number 718763, issued to STEPHEN NORWOOD JANSKY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Victoria College, Victoria, Texas, on August 11, 1995. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on December 18, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 2005.

4. Respondent's vocational and professional nursing employment history includes:

10/95 - 5/97	LVN	Winchester Lodge Alvin, Texas
7/97 - 12/97	LVN	Albuquerque Manor Albuquerque, New Mexico
12/97 - 1/99	LVN	Williamsburg NH San Antonio, Texas
1/99 - 1/04	LVN/RN	Nix Hospital San Antonio, Texas
2/04 - 8/07	Staff Nurse	U.S. Army Institute of Surgical Research Fort Sam Houston, Texas
9/05 - 4/08	Staff Nurse	Princeton Place/Bandera San Antonio, Texas
5/08 - 11/08	Staff Nurse	San Antonio State Hospital San Antonio, Texas
3/09 - Unknown	Staff Nurse	San Antonio State Hospital San Antonio, Texas

5. On April 17, 2006, Respondent was issued an Agreed Order by the Texas Board of Nursing which required him to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 17, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On November 13, 2006, Respondent was issued the sanction of a Reprimand with Stipulations by the Texas Board of Nursing. A copy of the November 13, 2006, Agreed Order, Findings of Fact, Conclusions of Law and Order is attached and incorporated, by reference, as part of this Order.
7. On November 12, 2008, Respondent's licenses to practice vocational and professional nursing were Suspended by the Texas Board of Nursing. On March 3, 2009, the suspension was Stayed and Respondent was placed on Probation. A copy of the November 12, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. Formal Charges were filed on August 4, 2010. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
9. Formal Charges were mailed to Respondent on August 10, 2010.
10. On April 19, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, is attached and incorporated, by reference, as part of this Order.
11. 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.
12. 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)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A)&(D) and (11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 155390, and Registered Nurse License Number 718763, heretofore issued to STEPHEN NORWOOD JANSKY, to practice vocational and professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational or professional nursing, use the title of Vocational Nurse/Registered Nurse or the abbreviation LVN/RN or wear any insignia identifying himself as a vocational or professional nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational or professional nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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 vocational and professional nursing in the State of Texas.

Effective this 9th day of May, 2011.



TEXAS BOARD OF NURSING

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

**In the Matter of Permanent License
Numbers 155390 and 718763 , Issued to
STEPHEN NORWOOD JANSKY, Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEPHEN NORWOOD JANSKY, is a Vocational Nurse holding license number 155390, which is in delinquent status at the time of this pleading, and a Registered Nurse holding license number 718763, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 1, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A), (D)&(11)(B).

CHARGE II.

On or about July 1, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 12, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Thirteen (13) of the Agreed Order which states, 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....

A copy of the November 12, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about August 5, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A), (D)&(11)(B).

CHARGE IV.

On or about August 5, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 12, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Thirteen (13) of the Agreed Order which states, 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....

The above action constitutes a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE V.

On or about August 18, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A), (D)&(11)(B).

CHARGE VI.

On or about August 18, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 12, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Thirteen (13) of the Agreed Order which states, 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....

The above action constitutes a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE VII.

On or about October 21, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent engaged in the intemperate use of Tramadol in that he produced a specimen for a drug screen which resulted positive for Tramadol. Possession of Tramadol is prohibited by Chapter 483 of the Texas Health & Safety Code (Dangerous Drug Act). The use of Tramadol 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A), (D)&(11)(B).

CHARGE VIII.

On or about October 21, 2009, while employed with San Antonio State Hospital, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 12, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Thirteen (13) of the Agreed Order which states, 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....

The above action constitutes a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the

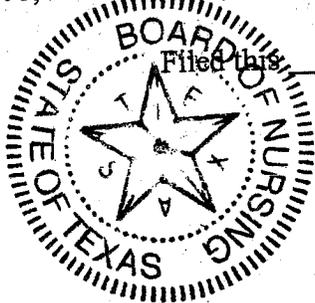
Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

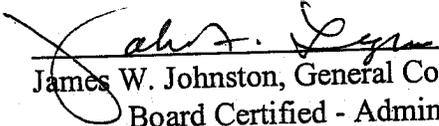
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Orders dated April 17, 2006, November 13, 2006, and November 12, 2008.



Filed this

4th day of August, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
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Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
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TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

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Attachments: Agreed Order dated April 17, 2006.
Agreed Order dated November 13, 2006.
Agreed Order dated November 12, 2008.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number	§	AGREED
155390, and Registered Nurse License Number	§	
718763, issued to STEPHEN NORWOOD JANSKY	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that STEPHEN NORWOOD JANSKY, hereinafter referred to as RESPONDENT, Vocational Nurse License Number 155390, and Registered Nurse License Number 718763, may have violated Section 301.452(b)(1), (9), and (10), Texas Occupations Code.

An informal conference was held on July 22, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by William F. Kemp, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Diane E. Burell, Investigator.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to vocational and professional nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Victoria College, Victoria, Texas, on August 11, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 1995. Respondent received a Baccalaureate Degree in Nursing from University of Texas Health Science Center, San Antonio, Texas, on December 18, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 2005.

5. Respondent's vocational and professional nursing employment history includes:

10/95 - 5/97	LVN	Winchester Lodge Alvin, Texas
7/97 - 12/97	LVN	Albuquerque Manor Albuquerque, NM
12/97 - 1/99	LVN	Williamsburg NH San Antonio, Texas
1/99 - 1/04	LVN/RN	Nix Hospital San Antonio, Texas
2/04 - 8/07	Staff Nurse	U.S. Army Institute of Surgical Research Fort Sam Houston, Texas
9/05 - 4/08	Staff Nurse	Princeton Place/Bandera San Antonio, Texas
5/08 - present	Staff Nurse	San Antonio State Hospital San Antonio, Texas

6. On April 17, 2006, Respondent was issued an Agreed Order by the Texas Board of Nursing which required him to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 17, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On November 13, 2006, Respondent was issued the sanction of a Reprimand with Stipulations by the Texas Board of Nursing. A copy of the November 13, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. Respondent states March 2, 2008, as his date of sobriety.
9. 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.
10. First Amended Formal Charges were filed on April 14, 2008. A copy of the First Amended Formal Charges is attached and incorporated, by reference, as part of this Order.
11. First Amended Formal Charges were mailed to Respondent's attorney on April 15, 2008.

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 a violations of Section 301.452(b)(1), (9) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5), (10)(A)&(D), and (11)(B).
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 155390, and Registered Nurse License Number 718763, heretofore issued to STEPHEN NORWOOD JANSKY, including revocation of Respondent's licenses 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 Vocational Nurse License Number 155390, and Registered Nurse License Number 718763, previously issued to STEPHEN NORWOOD JANSKY, 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 ORDERED that Permanent Certificate Numbers 155390 and 718763, previously issued to STEPHEN NORWOOD JANSKY, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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 multistate licensure 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 be issued licenses to practice nursing in the State of Texas with the appropriate notation.

(3) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty (\$750.00) dollars. 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 stay of suspension, 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 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) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATION 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 OR VOCATIONAL NURSE (LVN) 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

professional nurse to be working on the same unit as RESPONDENT and readily 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) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN 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 RN 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered 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.

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 will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board

(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 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 shall be for substance abuse; and 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, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of Oct, 2008.

[Signature]
STEPHEN NORWOOD JANSKY, Respondent

Sworn to and subscribed before me this 4 day of October, 2008



[Signature]
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
WILLIAM E. KEMP, Attorney for Respondent

Signed this 8th day of October, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of October, 2008, by STEPHEN NORWOOD JANSKY, Vocational Nurse License Number 155390, and Registered Nurse License Number 718763, and said Order is final.

Effective this 12th day of November, 2008.




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

In the Matter of Vocational Nurse License
Number 155390, and Registered Nurse
License Number 718763, Issued to
STEPHEN NORWOOD JANSKY, Respondent

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BEFORE THE TEXAS
BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEPHEN NORWOOD JANSKY, is a Vocational Nurse holding license number 155390, which is in current status at the time of this pleading, and a Registered Nurse holding license number 718763, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 26, 2007, while employed with U.S. Army Institute of Surgical Research, Fort Sam Houston, Texas, Respondent engaged in the intemperate use of Methadone in that he produced a specimen for a drug screen which resulted positive for Methadone. Possession of Methadone, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Methadone by a 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D), and (11)(B).

CHARGE II.

On or about February 26, 2007, while employed with U.S. Army Institute of Surgical Research, Fort Sam Houston, Texas, Respondent failed to comply with the Agreed Order issued to him on November 13, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Eight (8) of the Order which states, in pertinent part:

(8) 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 February 26, 2007, Respondent produced a specimen for a drug screen which resulted positive for Methadone.

A copy of the November 13, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE III.

On or about March 30, 2007, while employed with U.S. Army Institute of Surgical Research, Fort Sam Houston, Texas, Respondent failed to comply with the Agreed Order issued to him on November 13, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Nine (9) of the Order which states, in pertinent part:

(9) RESPONDENT SHALL submit to random periodic drug screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE IV.

On or about April 27, 2007, while employed with U.S. Army Institute of Surgical Research, Fort Sam Houston, Texas, Respondent failed to comply with the Agreed Order issued to him on November 13, 2006, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Nine (9) of the Order which states, in pertinent part:

(9) RESPONDENT SHALL submit to random periodic drug screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE V.

On or about January 29, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent engaged in the intemperate use of Cocaine in that he produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (9), and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5)(10)(A) & (D), and 11(B).

CHARGE VI.

On or about January 29, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent engaged in the intemperate use of Propoxyphene in that he produced a specimen for a drug screen which resulted positive for Propoxyphene. Possession of Propoxyphene, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propoxyphene by a 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D) and (11)(B).

CHARGE VII.

On or about January 29, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 13, 2006, by the Texas Board of Nursing, formerly, Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Eight (8) of the Order which states, in pertinent part:

(8) 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...

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE VIII.

On or about February 18, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent engaged in the intemperate use of Hydrocodone in that he produced a specimen for a drug screen which resulted positive for Hydrocodone. Possession of Hydrocodone, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Hydrocodone by a 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D) and (11)(B).

CHARGE IX.

On or about February 18, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent engaged in the intemperate use of Propoxyphene in that he produced a specimen for a drug screen which resulted positive for Propoxyphene. Possession of Propoxyphene, without a lawful prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Propoxyphene by a 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.

The above action constitutes a violation of Section 301.452(b)(9) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A)&(D) and (11)(B).

CHARGE X.

On or about February 18, 2008, while employed with Princeton Place-Bandera, San Antonio, Texas, Respondent failed to comply with the Agreed Order issued to him on November 13, 2006, by the Texas Board of Nursing, formerly, Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number Eight (8) of the Order which states, in pertinent part:

(8) 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....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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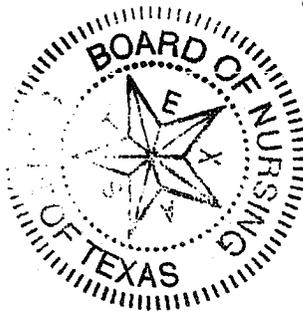
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

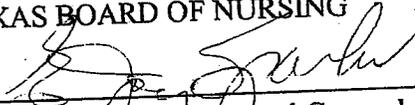
NOTICE IS GIVEN that to the extent applicable, based on the First Amended Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency which can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 17, 2006, and Agreed Order dated November 13, 2006.

Filed this 14th day of April, 2008.



TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: Agreed Order dated April 17, 2006.
Agreed Order dated November 13, 2006.

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 718763
and Vocational Nurse License Number 155390 Issued to
STEPHEN NORWOOD JANSKY

§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of STEPHEN NORWOOD JANSKY, Registered Nurse License Number 718763 and Vocational Nurse License Number 155390, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) & (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order 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's license to practice professional nursing in the State of Texas is in current status. Respondent's license to practice vocational nursing in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Victoria College, Victoria, Texas, on August 11, 1995. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center of San Antonio, Texas, on December 18, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 2005.
5. Respondent's nursing employment history is as follows:

10/1995 - 5/1997 Staff Nurse (LVN)

Winchester Lodge
Alvin, Texas

Respondent's nursing employment history continued:

7/1997 - 12/1997	Staff Nurse (LVN)	Albuquerque Manor Albuquerque, NM
12/1997 - 01/1999	Staff Nurse (LVN)	Williamsburg N.H. San Antonio, Texas
01/1999 - 11/2005	Staff Nurse (LVN)(RN)	Nix Hospital San Antonio, Texas
11/2005 - Present		Unknown

6. On or about April 17, 2006, the Board of Nurse Examiners for the State of Texas issued an AGREED BOARD ORDER requiring Respondent to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of this order is attached and incorporated herein.
7. On or about June 8, 2006, Respondent became non-compliant with the Agreed Order issued to him by the Board of Nurse Examiners for the State of Texas on April 17, 2006. Non-compliance is the result of Respondent's failure to apply to and be accepted into the Texas Peer Assistance Program for Nurse (TPAPN). Stipulation Number One (1) of the Agreed Order dated March 29, 2006, states that, "RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into TPAPN."
8. *Summary of Results and Comments from the Psychological Evaluation performed by James M. Meredith, Ph.D., documenting the following on April 6, 2006:*
"Mr. Jansky appeared motivated to provide adequate detail and description of his adjustment and the stressors in his life. The major stressor in his life at this point is the process of being evaluated regarding taking pain medications from his work site. He reports good adjustment with regard to work, goals, and family relationships. He evinced no signs of serious psychological problems and this was consistent with the test results. Based on the information provided by Mr. Jansky, my interview and observation of him during the assessment, and the results of psychological testing, I judge him to be psychologically healthy, with no evidence of any significant mental or emotional problems. I could find no indication that he is at high risk for substance abuse. I judge him to be able to effectively carryout his duties and responsibilities as a nurse."
9. On October 5, 2006, the Board of Nurse Examiners for the State of Texas received a letter written by Maria L. Serio-Melvin. MSN. RN, CCRN, stating that Respondent has been employed through OMV Medical Incorporated, in the Burn Center at the Institute of Surgical Research, Brooke Army Medical Center, Fort Sam Houston, Texas, since February 2004. Ms. Serio-Melvin also states that Respondent has been a reliable and competent employee for the entire duration of his employment and is happy to have Respondent as a part of the team of nurses that care for injured soldiers on a daily basis.

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)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(1) and §217.12(9) & (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 718763 and Vocational Nurse License Number 155390, heretofore issued to STEPHEN NORWOOD JANSKY, including revocation of Respondent's licenses to practice professional and vocational 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 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 and vocational 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 licenses issued to STEPHEN NORWOOD JANSKY, to the office of the Board of Nurse Examiners 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. 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 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, 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 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. 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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE (RN) OR LICENSED VOCATIONAL NURSE (LVN) 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR LICENSED VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in professional or vocational nursing of this Order of the Board and the stipulations 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 present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional or vocational nursing of this Order of the Board and the stipulations 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.

(5) 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.

(6) For the duration of the stipulation 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. Respondent may continue employment with **OMV Medical Incorporated and work solely in the Burn Unit at Fort Sam Houston, San Antonio, Texas.** Should Respondent cease working in the Burn Unit, he can no longer be employed by a nursing agency in contradiction of this Order.

(7) 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 professional or vocational nursing. These reports shall be completed by the Registered 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 one (1) year of employment as a professional or vocational nurse.

(8) 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.

(9) 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 second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

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 stipulation 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 stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional or 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 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 licenses to practice professional or vocational nursing in the State of Texas, as a consequence of my noncompliance.

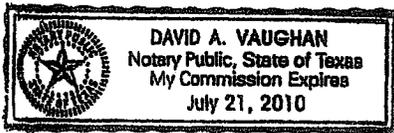
Signed this 13 day of October, 2006.

Steve Norwood Jansky
STEVE NORWOOD JANSKY, Respondent

Sworn to and subscribed before me this 13 day of October, 2006.

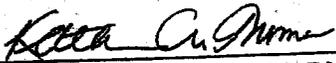
SEAL

David A. Vaughan
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 13th day of October, 2006, by STEVE NORWOOD JANSKY, Registered Nurse License Number 718763 and Vocational Nurse License Number 155390, and said Order is final.

Effective this 13th day of November, 2006.



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 Registered Nurse License Number 718763
and Vocational Nurse License Number 155390,
Issued to STEVE NORWOOD JANSKY, Respondent

§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of STEVE NORWOOD JANSKY, Registered Nurse License Number 718763 and Vocational Nurse License Number 155390, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 26, 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 vocational and professional nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Victoria College, Victoria, Texas, on August 11, 1995. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center of San Antonio, Texas, on December 18, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 26, 1995. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 2005.
5. Respondent's nursing employment history is as follows:

10/1995 - 5/1997

Staff Nurse

Winchester Lodge
Alvin, Texas

SCANNED
MAY 26 2006

BY: _____ C40

Respondent's nursing employment history continued:

7/1997 - 12/1997	Staff Nurse	Albuquerque Manor Albuquerque, NM
12/1997 - 01/1999	Staff Nurse	Williamsburg N.H. San Antonio, Texas
01/1999 - 11/2005	Staff Nurse	Nix Hospital San Antonio, Texas
11/2005 - Present		Unknown

6. On or about August 18, 2004, while employed with Nix Health Care Medical Center, San Antonio, Texas, Respondent misappropriated Ultram 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.
7. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
8. 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.
9. Respondent's conduct described in Finding of Fact Number Six (6) was significantly influenced by Respondent's chemical dependency.
10. 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(1) and §217.12(19).
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 718763 and Vocational Nurse License Number 155390, heretofore issued to STEVE NORWOOD JANSKY, including revocation of Respondent's professional and vocational licenses 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 nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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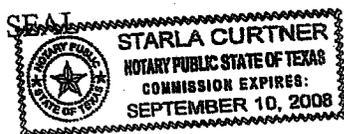
RESPONDENT'S CERTIFICATION

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. 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of April, 2006.

Steve Norwood Jansky
STEVE NORWOOD JANSKY, Respondent

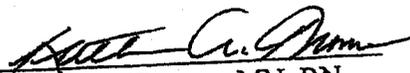
Sworn to and subscribed before me this 3 day of April, 2006.



Starla Curtner
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 3rd day of April, 2006, by STEVE NORWOOD JANSKY, Registered Nurse License Number 718763 and Vocational Nurse License Number 155390, and said Order is final.

Entered and effective this 17th day of April, 2006.


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

To Whom It May Concern:

I, Stephen Jansky, would like to voluntary surrender my RN license #718763.

Stephen Jansky RN

Stephen Jansky RN

*State of Texas
County of Bexar*

*Stephen Jansky, known to me, personally
appeared before me this 17th day of April, 2011.*

*Mary Lynn Lewis
Notary Public*

