

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 P. Thomas
Executive Director of the Board

In the Matter of Registered Nurse §
License Number 252405 §
issued to STEWART R. ECKOLS §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 252405, issued to STEWART R. ECKOLS, 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 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 an Associate Degree in Nursing from Tarleton State University, Stephenville, Texas on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
4. Respondent's professional nursing employment history includes:

1980 - 1981	RN	Brownwood Regional Hospital Brownwood, Texas
1981 - 1984	RN	San Saba Memorial Hospital San Saba, Texas

Respondent's professional nursing employment history continued:

1984 - 1996	RN	Medical Center of Mesquite Mesquite, Texas
1996 - 1997	RN	Charter Behavioral Health System of Plano Plano, Texas
1997 - 2000	RN	Baylor Home Care Dallas, Texas
2000 - 2010	RN	Baylor University Medical Center Dallas, Texas

5. Formal Charges were filed on October 7, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
6. Formal Charges were mailed to Respondent on October 11, 2010.
7. On November 5, 2010, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated November 2, 2010, is attached and incorporated herein by reference as part of this Order.
8. 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.
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.

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 Sections 301.452(b)(9), (10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B) & (T) and

217.12(1)(B), (E), (4), (5), (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.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 252405, heretofore issued to STEWART R. ECKOLS, to practice 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 professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: 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 professional nursing in the State of Texas.

Effective this 5th day of November, 2010.

TEXAS BOARD OF NURSING

By:



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



In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 252405, Issued to §
STEWART R. ECKOLS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEWART R. ECKOLS, is a Registered Nurse holding license number 252405, 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 24, 2010, while employed with Baylor University Medical Center, Dallas, Texas, Respondent engaged in the intemperate and/or unlawful use of morphine in that he provided a specimen for a for cause drug screen which resulted positive for morphine. Possession of morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of morphine 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 evidence received is sufficient to prove violation of Sections 301.452(b)(9), (10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B) & (T) and 217.12(1)(B)&(E),(5), (10)(A)&(D) and (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.

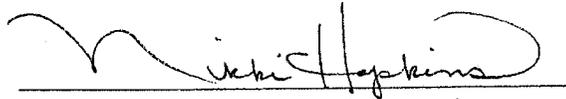
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency or other Substance Use Disorder, which can be found at the Board's website,

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.

Filed this 7th day of October, 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
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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
State Bar No. 00785533

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

Nov. 2, 2010

To Whom It May Concern,

As per instruction and assistance from Mr. Longoria,
I have decided to seek voluntary surrender of my license
to practice nursing in the state of Texas. Although the
circumstances surrounding the issues are somewhat
less sinister than implied, I do not deny the allegations
connected to the board's attention. After 30 years of
nursing, I feel that I need some time to evaluate
my desirability to continue to be a productive, compassionate
part of the nursing profession. I understand that
I may, after one year, petition for reinstatement,
with stipulations.

Stewart R. Edols

Stewart. R. Edols
7814 Estates Way
Rowlett, TX. 75089
LIC. 2-52405

State of Texas
County of Dallas

Sworn to and subscribed before me on
The 02 day of Nov 2010.

Sherril Rhea Jones

Notary Public's Signature

My Commission Expires

08-03-2013

