

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.  
*Katherine A. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse           §        AGREED  
License Number 564829 and Vocational    §  
Nurse License Number 128372           §  
issued to STEPHEN J. YOUR               §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of STEPHEN J. YOUR, Registered Nurse License Number 564829 and Vocational Nurse License Number 128372, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 12, 2010, 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Nursing from North Harris County Community College, Houston, Texas on December 11, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 1990. Respondent received an Associate Degree in Nursing from North Harris County Community College, Houston, Texas on May 7, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's complete professional and vocational nursing employment history is unknown.
6. On or about August 5, 2002, Respondent received an Agreed Order from the Board of Nurse Examiners for the State of Texas wherein Respondent's license to practice professional nursing in the State of Texas was issued a Fine with Education. A copy of the August 5, 2002 Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident described in Findings of Fact Number Eight (8), Respondent was employed as the Director of Nursing with Action Home Health Care, Houston, Texas, and had been in this position for approximately two (2) years.
8. On or about January 5, 2009 through February 16, 2009, while employed as a Registered Nurse with Action Home Health Care, Houston, Texas, Respondent completed a Comprehensive Adult Nursing Assessments with Oasis Elements on Patient MR# 01342; Patient MR# 01142 and Patient MR# 01381, but refused to document his assessments by signing the OASIS forms because Respondent did not feel these patients met the nursing skills assessment criteria for Medicare recertification, therefore, should not have been referred by the physician. Respondent's conduct above was likely to cause harm to the patients in that subsequent care givers would not be able to depend on accurate and or complete documentation to provide adequate care prescribed by a Physician.
9. In response to Findings of Fact Number Eight (8), Respondent states he refused to sign off on these patients because he did not agree that they met the criteria for recertification and they no longer met the Medicare guidelines for continued home health care.
10. At the time of the incident described in Findings of Fact Number Ten (10), Respondent was employed as a Registered Nurse with Jaimel Health Care Services, L.L.C., Houston, Texas and had been in this position for an unknown period of time.
11. On or about March 13, 2009 while employed as a Registered Nurse with Jaimel Health Care Services, L.L.C., Houston, Texas, Respondent utilized confidential information contained on an Action Home Health Care, Houston, Texas, Census List to contact current patients of Action Home Health Care, Houston, Texas. Respondent's conduct failed to protect patient confidentiality and was in violation of The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulations.
12. In response to Findings of Fact Number Twelve (12), Respondent states the letters were intended to serve as a "thank you" letter and did not contain any confidential patient information.

## CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A), (D) & (E) and 22 TEX. ADMIN. CODE §217.12(1)(C).
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 564829 and Vocational Nurse License Number 128372, heretofore issued to STEPHEN J. YOUR, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) 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>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to

accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course 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>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "OASIS Assessment and Reporting," a six (6) clock-hour workshop which is presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form available at the Board's website, <http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website:*  
<http://www.dads.state.tx.us/providers/training/oasis.cfm>

(4) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Patient Privacy," a 5.4 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for

completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

*Information regarding this workshop may be found at the following web address:*

<http://ncsbn.hivelive.com/hives/26c68c0322/summary>.

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>*

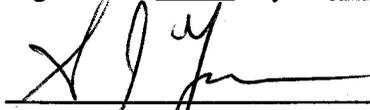
(6) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

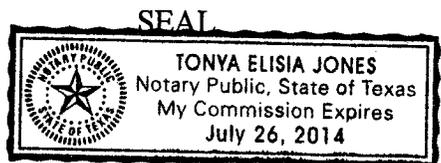
RESPONDENT'S CERTIFICATION

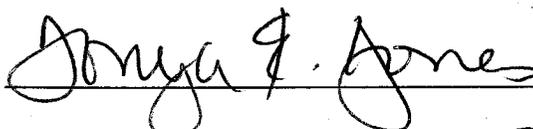
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1<sup>st</sup> day of NOVEMBER, 2010.

  
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STEPHEN J. YOUR, Respondent

Sworn to and subscribed before me this 1 day of Nov., 2010.



  
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Notary Public in and for the State of Texas

Approved as to form and substance.

  
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Dorthy Dafey Oruaga, Attorney for Respondent

Signed this 1<sup>st</sup> day of November, 2010.

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 1<sup>st</sup> day of November, 2010, by STEPHEN J. YOUR, Registered Nurse License Number 564829 and Vocational Nurse License Number 128372, and said Order is final.

Effective this 12th day of November, 2010.



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

