BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 453933	§	
issued to STEWART POWERS	§	ORDER

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.
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Bc accepted the voluntary surrender of Registered Nurse License Number 453933, issued to STEWART POWERS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 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.

4. Respondent received a Baccalaureate Degree in Nursing from Colchester District Group School of Nursing, Colchester Essex, England on October 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on August 4, 1980 .

5. Respondent's employment history includes:

   1980 - 1985 Unknown

Respondent's employment history continued includes:

1985 - 1993	Director of Nursing	National Medical Interprises Los Angeles, CA
1993 - 1995	Regional Vice President	Medbridge Healthcare King of Prussia, PA
1995 - 1997	Start-up Administrator	Vencor Hospital Pittsburgh, PA
1997 - 2004	PRN	Texas Surgery Center Wichita Falls, TX
2004 - 2007	Administrator and Implementation Director	Senior Health, Inc. Sherman, Texas
2007-2010	Director of Nursing	Dallas Endoscopy Center Dallas, Texas
3/2010 - Present	Marketer/Assessor	Mayhill Hospital Denton, Texas

6. At the time of the initial incident, Respondent was employed as an Administrator with Senior Health, Inc. and had been in this position for two years and unknown months.

7. On April 6, 2010, Respondent pled guilty in the United States District Court for the Eastern District of Texas Sherman Division, in Cause Number 4:09-CR-239 to the following:

   - COUNT TWO - CONSPIRACY TO EMBEZZLE HEALTH CARE FUNDS, in that Respondent amended and approved false work-time records submitted by Brandon Allen Ray and pressured hospital personnel to process time cards and write payroll checks, which were submitted to the Medicare/Medicaid programs resulting in a loss of $54,000; and
   - COUNT THREE - THEFT OR EMBEZZLEMENT IN CONNECTION TO HEALTH CARE, in that Respondent willfully executed and attempted to execute a scheme and artifice to defraud a health care benefit program in an amount greater than $30,000 but less than $70,000.

8. Respondent's conduct was deceiving and defrauded Medicaid and Medicare of monies.

9. Charges were filed on July 30, 2010.

10. Charges were mailed to Respondent on August 2, 2010.

11. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice professional nursing in the State of Texas.

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B),(6)(A),(6)(G),(6)(H)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against License Number 453933, heretofore issued to STEWART POWERS, including revocation of Respondent's licenses to practice professional nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 563933, heretofore issued to STEWART POWERS, to practice professional nursing in the State of Texas, is accepted by 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 "registered nurse" or the abbreviation "RN" or wear any insignia identifying 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 30th day of September, 2010.

STEWART POWERS, Respondent

Sworn to and subscribed before me this 30 day of September, 2010.

SEAL

SEAN GOMEZ
Notary Public,
State of Texas
Comm. Exp. 09-25-11

Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 453933, previously issued to STEWART POWERS.

Effective this 5th day of October, 2010.

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