



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 588455, issued to §
MYRON ELLIOTT ATKINSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MYRON ELLIOTT ATKINSON, Registered Nurse License Number 588455, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 21, 2010, by Katherine A. Thomas, MN, RN, Executive Director, 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 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 an Associate Degree in Nursing from Houston Community College, Houston, Texas, in May 1992. Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1993.
5. Respondent's nursing employment history includes:

08/94 - 5/08	Staff Nurse/ Assistant Nurse Manager	St. Luke's Episcopal Hospital Houston, Texas
06/08 - Present	Unknown	

6. At the time of the incidents, Respondent was employed as an Assistant Nurse Manager with St. Luke's Episcopal Hospital, Houston, Texas, and had been employed with the facility for thirteen (13) years and eight (8) months.
7. On or about April 1, 2008, while employed with St. Luke's Episcopal Hospital, Houston, Texas, Respondent accessed the medical records of Patient Medical Record Number 0274642 without the patient's authorization, after the patient left the Emergency Department. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of his/her confidential medical information without his/her written authorization.
8. On or about April 6, 2008, while employed with St. Luke's Episcopal Hospital, Houston, Texas, Respondent accessed the medical records for Patient Medical Record Number 02246467 and Patient Medical Record Number 02437550 on a day when he was not on duty and without the patients' authorization. Respondent's conduct exposed the patients unnecessarily to a risk of harm from disclosure of their confidential medical information without their written authorization.
9. On or about May 9, 2008, while employed with St. Luke's Episcopal Hospital, Houston, Texas, Respondent accessed the medical records of Patient Medical Record Number 01013072 without the patient's authorization after the patient was referred to his home health agency. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of his/her confidential medical information without his/her written authorization.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that in January 2008 he was approached by a longtime friend and fellow nurse as to joining a venture with two other nurses to start a home health agency. He was to work as a marketing person. "Not having any business ownership experience at the time, I never considered the complications that would ensue. . . Many mistakes were made in conducting this business due to lack of experience. I was assigned the task of Alternate Administrator and Director of Marketing. . . To my demise I did not fully understand the possibility of Conflict of Interest or Breach of Security. . . At no time throughout any part of this incident did I solicit or attempt to acquire patients while on duty as the Assistant Manager. . . A diabetic patient that was referred to the agency left the Emergency Room AMA with the IV in his arm and I accessed his record while on duty to assist in locating him and continuing his care. I also accessed other records on patients assigned to the agency that had signed release of information forms in the agency admissions packets. I did not randomly seek patient records and I attempted to maintain patient confidentiality at all times adhering to the strict HIPAA guidelines. It was not my intentions to misuse or abuse my granted access into the hospital information system but only to attain information prompted by the assignment of patients to the agency for proper care. In an admitted afterthought I felt compelled to notify the hospital compliance officer because I realized, too late that there might be a conflict of interest issue and after reading in detail the policy I attempted to fully comply. . . I fully acknowledge that I breached the hospital system and went against hospital policy and accepted the penalty of discharge due to their zero tolerance policy."

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 Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(E) and 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 588455, heretofore issued to MYRON ELLIOTT ATKINSON, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STITPULATIONS, 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 is 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

- (1) RESPONDENT SHALL deliver the wallet-sized license issued to MYRON

ELLIOTT ATKINSON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is 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>.

(3) 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>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Pre-Survey Conference Computer-Based Training" for Home and Community Support Services Agencies, a six (6) module program which provides a general overview of state and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the Pre-Survey Conference Attendance Verification form to the Board's office. 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/hcssa/cbt/>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of Five Hundred Dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, 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 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) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 nursing of this Order of the Board and the stipulations 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.

(7) 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.

(8) 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 ownership of CTEL, LLC, a licensed Texas home health agency and act as the Administrator for this home health agency so long as Respondent does not perform any services, duties, or responsibilities requiring a nursing license as part of his association with CTEL, LLC. Further, Respondent is prohibited from using his nursing license in connection with CTEL, LLC, during the stipulation period.

(9) 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 nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

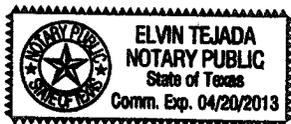
Signed this 21st day of June, 2010.

Myron Elliott Atkinson

MYRON ELLIOTT ATKINSON, Respondent

Sworn to and subscribed before me this 21st day of June, 2010.

SEAL



Elvin Tejada
Notary Public in and for the State of Texas

Approved as to form and substance.

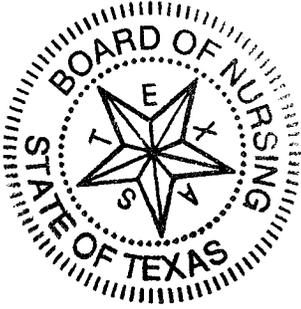
Mark E. Price

Mark E. Price, Attorney for Respondent

Signed this 18th day of June, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of June, 2010, by MYRON ELLIOTT ATKINSON, Registered Nurse License Number 588455, and said Order is final.

Effective this 17th day of August, 2010.



Katherine A. Thomas

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