BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 118857	§	
issued to STEPHANIE MARIE BATISTE	§	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 considered the matter of STEPHANIE MARIE BATISTE, Vocational Nurse License Numper 118857, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec. 10(a) (3)&(9), Texas Revised Civil Statutes Ann {eff. 9/1/93}. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 15, 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.

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 vocational nursing in the State of Texas.

4. Respondent received a Certificate of Vocational Nursing from Houston Community College, Houston, Texas, on August 21, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.

5. Respondent's complete nursing employment history is unknown.

6. On or about March 9, 1995, Respondent was arrested by the Houston Police Department, Houston, Texas, for UNLAWFUL USE OF HUMAN SERVICES FUNDS - TWO (2) COUNTS (3rd Degree felony offenses).

   On or about August 14, 1995, Respondent was convicted of ILLEGAL REDEMPTION - FOOD STAMP BENEFITS (a 3rd Degree felony offense committed on May 9, 1995), in the 182 District Court of Harris County, Texas, under Cause No. 688555. As a result of the conviction, the Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days. Additionally, Respondent was ordered to pay a fine.

   On or about August 14, 1995, Respondent was convicted of ILLEGAL REDEMPTION - FOOD STAMP BENEFITS (a 3rd Degree felony offense committed on May 9, 1995), in the 182 District Court of Harris County, Texas, under Cause No. 688556. As a result of the conviction, the Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days. Additionally, Respondent was ordered to pay a fine.

7. In response to Finding of Fact Number Six (6), Respondent states that Harris Co. & Affiliates (a meat company owned by the Respondent) purchased food stamps from several persons who worked for her. Due to the fact that she and her husband were the owners of the meat company, they were asked by Human Services to pay for those illegally obtained food stamp benefits. She was charged with Food Stamp Fraud and sentenced to 90 days in jail, of which she served 45 days. She accepted the plea because she wanted to get it over with and was scared, she now wishes she had not accepted the plea. Respondent states she retained an attorney and upon further investigation, was acquitted and received a letter for the USDA stating so. The letter was received after she had agreed to the plea and had served 45 days in jail. She acknowledges she should have disclosed the incident to the Board, but was scared she would lose her license and she relies on nursing to care for her son. She asks for forgiveness and says she will never do it again.

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 Article 4528c, sec. 10(a) (3)&(9), Texas Revised Civil Statutes Ann {eff. 9/1/93}.

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 118857, heretofore issued to STEPHANIE MARIE BATISTE, including revocation of Respondent's license to practice vocational 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 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 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 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 <u>not</u> 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 pay a monetary fine in the amount of five hundred dollars ($500.00). 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, 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.

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

Signed this 10 day of June, 2010.

X Stephanie Batiste-Shuner
STEPHANIE MARIE BATISTE, Respondent

Sworn to and subscribed before me this 10th day of June, 2010.

SHAWN HOLMES
Notary Public
State of Texas
Comm. Expires 08-07-2011

Shawn C. Holmes
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 ratify and adopt the Agreed Order that was signed on the 10th day of June, 2010, by STEPHANIE MARIE BATISTE, Vocational Nurse License Number 158964, and said Order is final.

Effective this 30th day of June, 2010.

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