

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 95579 & 562118
ISSUED TO
DALE LYNN CLARIDY

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Dale Lynn Claridy
P.O. Box 8791
Huntsville, Texas 77340

During open meeting held in Austin, Texas, on December 8, 2009, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational and professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Numbers 95579 and 562118, previously issued to DALE LYNN CLARIDY, to practice vocational and professional nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational and professional nursing in the State of Texas.

Entered this 8th day of December, 2009.

TEXAS BOARD OF NURSING



BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Registered Nurse License § **BEFORE THE TEXAS**
Number 562118, and Vocational Nurse §
License Number 95579, Issued to §
DALE LYNN CLARIDY, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DALE LYNN CLARIDY, is a Registered Nurse holding license number 562118, which is in status at the time of this pleading, and is a Vocational Nurse holding license number 95579, which is in delinquent 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 January 26, 2009, Respondent failed to comply with the Agreed Order issued to him on December 9, 2008, by the Texas Board of Nursing. Noncompliance is the result of his failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order....

A copy of the December 9, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)).

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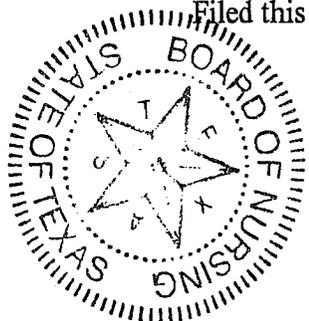
CONTINUED ON NEXT PAGE

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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 § 301.461, TEX. OCC. CODE ANN. 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).

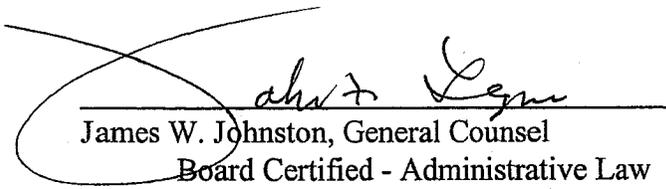
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 9, 2008.

Filed this 14th day of September, 2009.

The seal of the Texas Board of Nursing is circular. It features a five-pointed star in the center with the letters 'T', 'E', 'X', 'A', 'S' on its points. The words 'STATE OF TEXAS' are written around the top inner edge, and 'BOARD OF NURSING' is written around the bottom inner edge. The outermost ring of the seal contains the words 'STATE OF TEXAS' on the left and 'BOARD OF NURSING' on the right.

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

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

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

Attachments: Agreed Order dated December 9, 2008.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License	§	
Number 562118 and Vocational Nurse	§	AGREED
License Number 95579, issued to	§	ORDER
DALE LYNN CLARIDY	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DALE LYNN CLARIDY, Registered Nurse License Number 562118 and Vocational Nurse License Number 95579, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on August 25, 2008, 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 representation by counsel, informal conference, 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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Hill Junior College, School of Vocational Nursing, Hillsboro, Texas, in March 2, 1982 and received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, in May 1990. Respondent was licensed to practice vocational nursing in the State of Texas on May 27, 1982 and was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's professional nursing employment history includes:

1990 - 1991	Unknown	
1991 - 1992	Director of Nursing	Canterbury Villa of Hillsboro Hillsboro, Texas
1992 - 1993	Director of Nursing	Twin Oaks Retirement Center Waco, Texas
1993 - 1994	Staff Nurse	Goodall Witcher Hospital Clifton, Texas
01/94 - 04/96	Director of Nursing	Town Hall Estates Whitney, Texas
1996	Director of Nursing	Italy Health and Rehabilitation Center Italy, Texas
10/96 - Present	Agency Staff Nurse	Elite Nursing Services College Station, Texas
2002 - 2003	Staff Nurse/Per Diem	Huntsville Memorial Hospital Huntsville, Texas
2002 - 2003	Staff Nurse/ ER	Madison St. Joseph Hospital Madisonville, Texas
2003 - 2004	Staff Nurse/ER	Falls Community Hospital Marlin, Texas
02/04 - 10/05	Agency Staff Nurse	American Mobile Staffing San Diego, California
08/07 - 10/07	Agency Staff Nurse	Clinical One Staffing Houston, Texas
11/07 - 04/08	Agency Staff Nurse	Invictus Medical Staffing Addison, Texas

6. At the time of the incidents, Respondent was employed as an Agency Staff Nurse with Invictus Medical Staffing, Addison, Texas, and on assignment with College Station Medical Center, College Station, Texas, and had been on this assignment for one (1) month and nine (9) days.

7. On or about April 28, 2008, while employed with Invictus Medical Solutions, Addison, Texas, and on assignment with College Station Medical Center, College Station, Texas, Respondent failed to ensure that a patient who presented to the Emergency Department complaining of chest pain received an EKG (electrocardiogram) within fifteen (15) minutes as required by protocol. Respondent's conduct exposed the patient unnecessarily to a risk of harm from complications due to undiagnosed and, consequently, untreated disease processes.
8. On or about April 28, 2008, while employed with Invictus Medical Solutions, Addison, Texas, and on assignment with College Station Medical Center, College Station, Texas, Respondent failed to notify the physician in a timely manner that a patient was in the Emergency Department complaining of chest pain. The physician was not notified until one (1) hour from the time of the patient's arrival. Respondent's conduct exposed the patient unnecessarily to a risk of harm from a delay of treatment of his disease process.
9. On or about April 28, 2008, while employed with Invictus Medical Solutions, Addison, Texas, and on assignment with College Station Medical Center, College Station, Texas, Respondent made false entries in the original triage sign-in sheet for a patient who presented to the Emergency Department complaining of chest, by changing the patient's time of arrival to one (1) hour later. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the accuracy of the information while providing care to the patient.
10. Respondent states that when she started her contract at College Station Medical Center she received only one (1) day of orientation. During this time she was told that the unit clerk puts all the orders into the computer and make all the necessary calls pertaining to orders. She was also told that the nurse did not have to do the EKG, those were done by the EKG Tech and that the charts are given to the NP or PA if the physician was not available. On the night in questions it was very busy and they were short staffed. The charge nurse gave her the chart and told her to triage the patient who had chest pain. She took the patient back to a room, put him on a monitor and started a saline lock. The patient told her he had chest pain for several days, but currently had very little to no pain. She took the chart to the unit secretary and told her to order the EKG and labs, she then administered 1 aspirin to the patient. She then gave the chart to the PA or NP and told them the patient had chest pain. Later when she returned to the nursing station she found out that the EKG was not done, she asked the unit clerk who told her that she had charted it but had not called anyone because she did not know who to call. When the on-coming physician asked her about the patient she told him she gave the chart to the PA and that EKG had not been done. Respondent states "When I changed the triage time I honestly thought I had looked at the time wrong when I saw the times I had given the aspirin and when the labs & EKG were ordered. I didn't believe it took an hour to triage the patient as I was triaging while placing him on the monitor, oxygen and obtaining a saline lock."

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)(D)(M)&(3)(A) and 217.12(6)(A).
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 562118 and Vocational Nurse License Number 95579, heretofore issued to DALE LYNN CLARIDY, including revocation of Respondent's licenses to practice professional and 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 WARNING WITH STIPULATIONS, 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 multistate licensure privilege, if any, to practice professional and vocational nursing in compact states.

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 multistate licensure 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 DALE LYNN CLARIDY, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) contact 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 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>

(4) 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://www.learningext.com/products/generalce/critical/ctabout.asp>

(5) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars (\$250). 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 REGISTERED NURSE OR LICENSED VOCATIONAL 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) OR VOCATIONAL NURSE (LVN) 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.

(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, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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

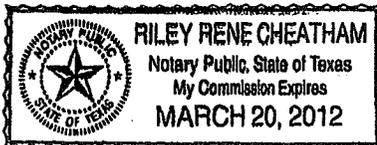
Signed this 24 day of October, 2008.

Dale Lynn Claridy
DALE LYNN CLARIDY, Respondent

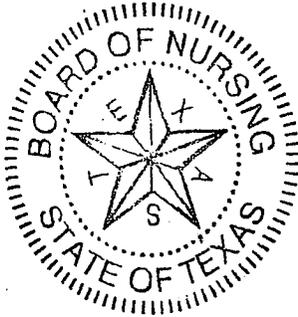
Sworn to and subscribed before me this 24 day of October, 2008.

SEAL

Riley Rene Cheatham
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of October, 2008, by DALE LYNN CLARIDY, Registered Nurse License Number 562118 and Vocational Nurse License Number 95579, and said Order is final.



Effective this 9th day of December, 2008.


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

Re: Permanent Certificate Numbers 95579 & 562118
Issued to DALE LYNN CLARIDY
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 20 09, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Dale Lynn Claridy
P.O. Box 8791
Huntsville, Texas 77340

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

