

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 235687 §
issued to TERRY DON CLARKE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 235687, issued to TERRY DON CLARKE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from The University of Texas, Austin, Texas, on December 1, 1975. Respondent was licensed to practice professional nursing in the State of Texas on April 5, 1976.
4. Respondent's professional nursing employment history includes:

04/76 - 04/81	Unknown	
05/81 - 09/99	Staff RN	August Healthcare Lubbock, Texas



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 P. Thomas
Executive Director of the Board

Respondent's professional nursing employment history continued:

09/99 - Unknown	Staff RN	Bender Terrace Lubbock, Texas
Unknown	Staff RN	Prime Staff Lubbock, Texas
05/00 - 05/01	Staff RN	Southwood Care Center Austin, Texas
05/05 - Unknown	Staff RN	Tumbleweed Care Center Brownfield, Texas

5. On or about October 26, 2006, October 31, 2006, and February 21, 2008, the Texas Board of Nursing notified Respondent of the following allegations:

- 5.1 On or about March 19, 1970, Respondent was arrested by the Lubbock County Sheriff's Office, Lubbock, Texas, for LARCENY - OVER 50 DOLLARS.
- 5.2 On or about March 2, 1996, Respondent was arrested by the Austin Police Department, Austin, Texas, for ASSAULT CAUSING BODILY INJURY (a Class A Misdemeanor offense committed on March 2, 1996).

On or about July 16, 1996, Respondent entered an unknown plea to ASSAULT FAMILY VIOLENCE (a Class A Misdemeanor offense), in the Travis County Court at Law Court No. 7, Travis County, Austin, Texas, under Cause No. 0454705. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a two hundred dollar (\$200) fine and court costs.

- 5.3 On or about May 12, 2005, through September 9, 2007, while employed as a Registered Nurse with Tumbleweed Care Center, Brownsfield, Texas, Respondent misappropriated medications from the facility and patients thereof.
- 5.4 On or about September 9, 2006, Respondent was arrested by the Lubbock Police Department, Lubbock, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 1 < 1 GRAM IN A DRUG FREE ZONE (a 3rd Degree Felony offense committed on September 9, 2006).

On or about July 31, 2007, Respondent entered a plea of Guilty to the Lesser Included Offense of ATTEMPTED POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 3, NAMELY DIHYDROCODEINE < LESS THAN 28 GRAMS, (reduced to a Class A Misdemeanor offense committed on September 9, 2006), in the 140th District Court of Lubbock County, Lubbock, Texas, under Cause No. 2007-414879. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of two (2) years. Additionally, Respondent was ordered to pay a fine, court costs, and restitution.

6. On March 24, 2008, Respondent returned Registered Nurse License Number 235687, and on May 2, 2008, Respondent submitted a statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of this statement is attached and incorporated, by reference, as part of this Order.
7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

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 Article 4525(b)(9), TEX.REV.CIV.STAT.ANN., Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G),(8),(11)(B)&(13).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 235687, heretofore issued to TERRY DON CLARKE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of 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 of "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself 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 multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this 9th day of May, 2008.

TEXAS BOARD OF NURSING

By:



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