



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

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In the Matter of License Number 586841                    §        AGREED  
issued to MERLE JOAN CLARK                                §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MERLE JOAN CLARK, Registered Nurse License Number 586841, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on September 8, 2008, 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 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.
4. Respondent received a Degree in Nursing from Keyano College, Fort McMurray, Alberta, Canada, on July 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on November 24, 1992.
5. Respondent's professional nursing employment history includes:
 

7/92 - 10/96	Unknown
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Respondent's professional employment history continued:

11/96 - 01/97	DON	Home Care Solutions Unknown
02/97	Unknown	Unknown
03/97 - 07/97	Administrator/DON	Tri Care Home Health Unknown
07/97 - 02/04	Director of Clinical Services	Allied Primary Home Care Services, Inc. San Antonio, Texas
03/04 - 11/05	RN	Basic Nursing Services, Inc. San Antonio, Texas
12/05 - present	Home Health RN	Angels Unlimited, Inc. San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Angels Unlimited, Inc., San Antonio, Texas, and had been in this position for one (1) month.
7. While employed with Angels Unlimited, Inc., San Antonio, Texas, Respondent violated patients' confidentiality by soliciting patients for Angels Unlimited, Inc., from her previous employer, Basic Nursing Services, San Antonio, Texas.
8. In response to Finding of Fact Number Seven (7), Respondent's attorney, Barry H. Beer responded by stating that at no time did Respondent violate patient confidentiality, nor solicit patients for Angels Unlimited, Inc., from her previous employer, Basic Nursing Services.

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, 22 TEX. ADMIN. CODE §217.11(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(C)&(6)(J).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations

Code, to take disciplinary action against MERLE JOAN CLARK Registered Nurse License Number 586841, heretofore issued to MERLE JOAN CLARK, 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 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 multistate licensure privilege, if any, to practice professional 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 multistate licensure 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 deliver the wallet-sized license issued to MERLE JOAN CLARK to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(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.

(3) 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>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1<sup>st</sup> day of November, 2008.

M. Clark

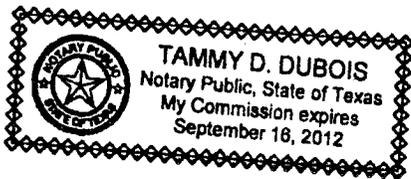
MERLE JOAN CLARK, Respondent

Sworn to and subscribed before me this 1 day of Nov., 2008.

SEAL

T. Dubois

Notary Public in and for the State of Texas



Approved as to form and substance.

[Signature]

BARRY H. BEER, Attorney for Respondent

Signed this 4<sup>th</sup> day of Nov., 2008.

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 1st day of November, 2008, by MERLE JOAN CLARK, Registered Nurse License Number 586841, and said Order is final.

Effective this 12<sup>th</sup> day of November, 2008.

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

