BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	
License Number 678027	§	AGREED
and Vocational Nurse	§	
License Number 133096	§	ORDER
issued to COREY MERLE LAIRD	§	

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 Board, considered the matter of COREY MERLE LAIRD, Registered Nurse License Number 678027 and Vocational Nurse License Number 133096, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528(c), sec. 10a (2), TEX. REV. CIV. STAT. ANN. and 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 August 22, 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. Respondent's license to practice vocational nursing in the State of Texas is in inactive status.

4. Respondent received a Certificate in Vocational Nursing from William Beaumont Army Medical Center, Fort Bliss, Texas, on July 3, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on July 30, 1991. Respondent received an Associate Degree in Nursing from Dona Anna Branch Community College, Las Cruces, New Mexico, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on June 15, 2001.

5. Respondent's complete professional and vocational nursing employment history is unknown.

6. On November 2, 2000, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas, based on his disclosure of his criminal history. A copy of the Findings of Fact, Conclusions of Law, and Order of Conditional Eligibility, dated November 2, 2000, is attached and incorporated, by reference, as a part of this Order.

7. On or about May 1, 1991, Respondent submitted an Application for Licensure by Endorsement to the Texas Board of Vocational Nurse Examiners, in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question:

   "Have you been convicted of a felony or misdemeanor other than a minor traffic violation?"

   On or about November 11, 1987, Respondent was convicted of the misdemeanor offense of "Theft" in the County Court of Coryell County, Texas. On or about April 19, 1988, Respondent was convicted of the misdemeanor offense of "Operating a Motor Vehicle in a Public Place While Intoxicated" in the County Court of Law No. 2 of Bell County, Texas.

8. On or about January 23, 2007, while employed with William Beaumont Army Medical Center, El Paso, Texas, Respondent engaged in unprofessional conduct, in that he was involved in a verbal and physical confrontation with another nurse in front of staff, patients, and visitors. Respondent's conduct was likely to injure the patients in that it exposed the patients unnecessarily to the risk of experiencing emotional and/or psychological harm.

9. In response to Finding of Fact Number Eight (8), Respondent's attorney admits that the Respondent was involved in an altercation that turned physical. He had endured verbal insults for two shifts from the other involved nurse, and his patience was broken.

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 4528(c), sec. 10a (2)&(9), TEX. REV. CIV. STAT. ANN. and Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(F), and 22 TEX. ADMIN. CODE §239.11(8).

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 678027 and Vocational Nurse License Number 133096, heretofore issued to COREY MERLE LAIRD, 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 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 and vocational 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 COREY MERLE LAIRD to the office of the Texas Board of Nursing within ten (10) days of the date of

ratification of this Order for appropriate notation.

(2) 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.

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

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

Signed this 28 day of October, 2008.

COREY MERLE LAIRD, Respondent

Sworn to and subscribed before me this 28 day of October, 2008.

SEAL

ERMINE EXIE ALDAIZ
MY COMMISSION EXPIRES
May 12, 2009

Notary Public in and for the State of Texas

Approved as to form and substance.

STEVEN N. WALDEN, Attorney for Respondent

Signed this 28 day of October, 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 28th day of October, 20 08, by COREY MERLE LAIRD, Registered Nurse License Number 678027 and Vocational Nurse License Number 133096, and said Order is final.

Effective this 3rd day of November, 20 08.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of COREY MERLE LAIRD APPLICANT for Eligibility for Licensure	§ § § §	ORDER OF CONDITIONAL ELIGIBILITY

On the date entered below, the Board of Nurse Examiners considered the Application for Initial Licensure by Examination and supporting documents filed by COREY MERLE LAIRD, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452 *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing and agreed to the entry of this Order offered on June 2, 2000, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On May 25, 1999, Applicant submitted an Application for Initial Licensure by Examination in compliance with Article 4519a, Section 1(a), Texas Revised Civil Statutes, Annotated, as amended.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with an Associate Degree in Nursing from Dona Ana Branch Community College, School of Nursing, Las Cruces, New Mexico, on May 14, 1999.

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4. Applicant disclosed the following criminal history, to wit:

   A. On August 30, 1987, Applicant was arrested by the Copperas Cove Police Department, Copperas Cove, Texas, for the offense of larceny. On or about November 11, 1987, Applicant entered a plea of guilty and was convicted of the misdemeanor offense of Theft Over Two Hundred Dollars ($200) But Under Seven Hundred Fifty Dollars ($750), by the County Court of Coryell County, Texas. Applicant was assessed a fine of One Dollar ($1) and court costs in the amount of Eighty-Six Dollars ($86). Applicant was twenty-four (24) years of age at the time of the conviction.

   B. On March 1, 1988, Applicant was arrested by the Killeen Police Department, Killeen, Texas, for Driving Under the Influence of Liquor. On April 19, 1988, Applicant entered a plea of guilty and was convicted of the misdemeanor offense of Operating a Motor Vehicle in a Public Place While Intoxicated, by the County Court of Law Nº 2 in and for Bell County, Texas. Applicant was sentenced for a term of ninety (90) days confinement, assessed to pay a fine in the amount of Four Hundred Dollars ($400) and pay court costs in the amount of One Hundred Eleven Dollars and Fifty Cents ($111.50), and attend a DWI rehabilitation education program. Said sentence was suspended and probated for a period of twenty four (24) months. On February 24, 1989, Applicant was granted early release from probation after serving ten (10) successful months. Applicant was twenty-five (25) years of age at the time of the conviction.

5. There is no evidence of any subsequent conviction.

6. The Board received letters of support/recommendation for Applicant from the following:

   - A letter of recommendation, dated July 9, 1999, from Laura Erickson, RNC, MSN, Dona Ana Branch Community College of New Mexico State University, Las Cruces, New Mexico.

7. The Board considered the evidence of the convictions and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code, §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.

8. The Board considered evidence of Applicant's post conviction behavior in light of the character factors set out in 22 Texas Administrative Code, §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

9. Applicant presented sufficient evidence that he would not pose a direct threat to the health and safety of patients and the public.

10. The Board's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

11. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.

2. Applicant has submitted a application in compliance with Article 4519a, Section 1(a), TEX. REV. CIV. STAT. ANN., as amended.

3. Applicant's criminal history reflects misdemeanor convictions involving which is grounds for denial of a license under 301.452 *et seq.*, Texas Occupations Code.

4. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.

5. The Board may license an individual who has been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, COREY MERLE LAIRD, APPLICANT, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). APPLICANT SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

IT IS FURTHER ORDERED that APPLICANT, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and APPLICANT SHALL be subject to the following stipulation(s).

(1) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER ORDERED that upon full compliance with the terms of this Order, APPLICANT shall be issued an unencumbered license to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Application for Initial Licensure by Examination, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Order. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 20th day of October, 2000.

Corey Merle Laird

COREY MERLE LAIRD, APPLICANT

Sworn to and subscribed before me this 20th day of October, 2000.

SEAL

Paul E. Kleinschmidt

Notary Public in and for the State of TEXAS

PAUL E. KLEINSCHMIDT
MY COMMISSION EXPIRES
October 12, 2003

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 20th day of October, 2000, by COREY MERLE LAIRD, APPLICANT, for Application for Initial Licensure by Examination, and said Order is final.

Entered this 2nd day of November, 2000.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

Attachments: Section 301.257, Texas Occupations Code
Section 301.452(a),(b) and (c), Texas Occupations Code
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code