



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse §
License Number 685080 § **AGREED**
issued to ARCH RAY CLARK § **ORDER**

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ARCH RAY CLARK, Registered Nurse License Number 685080, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(3),(9)&(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 20, 2006, 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 Baccalaureate Degree in Nursing from Prairie View A & M College, Houston, Texas, on December 14, 2001. Respondent originally became licensed to practice professional nursing in the State of Texas on March 12, 2002.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about May 14, 2004, Respondent was convicted of the offense "Driving While Intoxicated," a Class B Misdemeanor, in the Harris County, Texas, Court at Law No. 7, Cause No. 1206783. Respondent was sentenced to confinement for one hundred eighty (180) days in the Harris County Jail. The imposition of Respondent's confinement sentence was suspended and Respondent was placed on Probation for a period of (1) year and assessed a fine and court costs totaling four hundred sixty-six dollars (\$466.00).
7. On or about November 12, 2004, Respondent was convicted of the offense "Assault Causes Bodily Injury," a Class A Misdemeanor, in the Harris County, Texas, Court at Law No. 7, Cause No. 1259795. Respondent was sentenced to one hundred twenty (120) days court confinement and assessed court costs in the amount of two hundred sixteen dollars (\$216.00).
8. On or about March 7, 2005, Respondent submitted an Online Licensure Renewal for Registered Nurses, to the Board of Nurse Examiners for the State of Texas, in which Respondent answered "No" to the following question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or county, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations, since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, and PI's must be reported and are not considered minor traffic violations."

On or about May 14, 2004, Respondent was convicted of the offense "Driving While Intoxicated," a Class B Misdemeanor, in the Harris County, Texas, Court at Law No. 7, Cause No. 1206783.

On or about November 12, 2004, Respondent was convicted of the offense "Assault Causes Bodily Injury," a Class A Misdemeanor, in the Harris County, Texas, Court at Law No. 7, Cause No. 1259795.

Respondent's conduct was deceiving to the Board of Nurse Examiners for the State of Texas in that it may have affected the Board's decision to license Respondent.

9. On or about February 2006, Respondent may have engaged in the intemperate use of narcotics, including but not limited to: Benzodiazepines, Klonopin and Xanax. Possession of Benzodiazepines, Klonopin, and Xanax is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines, Klonopin, and Xanax by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about February 18, 2006, through March 15, 2006, Respondent was a participant in a drug and/or alcohol treatment rehabilitation program at The Right Step, Houston, Texas.
11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
13. Respondent's conduct described in Findings of Fact Numbers Six (6), Nine (9), and Ten (10) was significantly influenced by Respondent's impairment by dependency on chemicals.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(2),(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) and §217.12(6)(H), (6)(I), (10)(A), (10)(D), and (13) (effective 9/28/04).
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 685080, heretofore issued to ARCHRAY CLARK, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the

following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within Forty-Five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice professional 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.

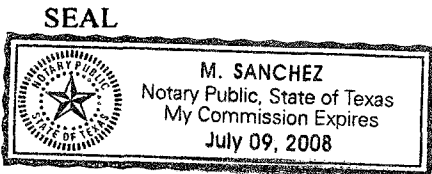
I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Five (5) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of July, 2006.

[Handwritten Signature]

ARCH RAY CLARK, Respondent TID#23065477

Sworn to and subscribed before me this 19 day of JULY, 2006.



[Handwritten Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Handwritten Signature]
LOUIS LEICHTER, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 19th day of July, 2006, by ARCH RAY CLARK Registered Nurse License Number 685080, and said Order is final.

Entered and effective this 24th day of July, 2006.



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