



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

In the Matter of Registered Nurse § AGREED
License Number 659700 §
issued to BRAD MAYBERRY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BRAD MAYBERRY, Registered Nurse License Number 659700, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 1, 2012.

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(s).
2. Respondent waived informal proceedings, 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 an Associate Degree in Nursing from Odessa College, Odessa, Texas, on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on May 11, 1999.
5. Respondent's professional nursing employment history is unknown.
6. On or about December 17, 1998, Respondent was issued a Declaratory Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas, A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated December 17, 1998, is attached and incorporated, by reference, as part of this Order.

6. On or about May 7, 2006, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the 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 country, 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 must be reported and are not considered minor traffic violations. (One time minor in possession {MIP} or minor in consumption {MIC} do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

Respondent failed to disclose that, on or about February 16, 2006, Respondent was arrested by Odessa Police Department, Odessa, Texas, and subsequently charged with DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, Ector County, Texas, under Cause No. 060965. The arrest was unresolved at the time Respondent submitted the renewal to the Board.

7. In response to Finding of Fact Number Six (6), Respondent states that he did renew his license in 2006. He did not think that this was anything which needed to be disclosed because he was in fact innocent, and no charges were ever brought against him. When he reviewed the renewal question even today, it seemed to be inquiring about convictions. He never intended to deceive anyone, because he was innocent of any charges.

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(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against, Registered Nurse License Number 659700, heretofore issued to BRAD MAYBERRY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION AND 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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 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 Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(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) 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, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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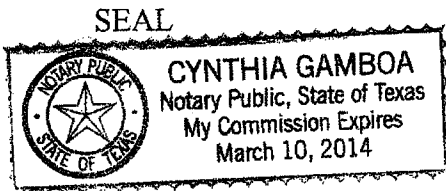
RESPONDENT'S CERTIFICATION

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 violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of December, 2012.

Brad Mayberry
BRAD MAYBERRY, Respondent

Sworn to and subscribed before me this 31 day of December, 2012.



Cynthia Gamboa
Notary Public in and for the State of Texas

Approved as to form and substance.
Jeff B. McDonald
JEFF B. MCDONALD, Attorney for Respondent

Signed this 9th day of January, 2013.

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 31st day of December, 2012, by BRAD MAYBERRY, Registered Nurse License Number 659700, and said Order is final.

Effective this 8th day of January, 2013.



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

**BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS**

**DECLARATORY ORDER
OF
CONDITIONAL ELIGIBILITY**

At a public meeting in Austin, Texas, the Board of Nurse Examiners (Board) considered the petitions for Declaratory Orders of Eligibility of the individuals listed below in accordance with Article 4519a(a), Texas Revised Civil Statutes, Annotated, as amended. Said petitions were reviewed by staff and proposed as conditionally eligible with the approval of Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. The individuals named below have submitted petitions and supporting documents requesting a determination of eligibility for licensure.
2. The staff's review of the grounds for potential ineligibility has been made on the basis of the information provided by the individuals named below.
3. Each individual has been advised 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.
4. The individuals named below have disclosed convictions for one or more non-moral turpitude misdemeanors or for a moral turpitude misdemeanor which occurred more than ten (10) years ago.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Article 4525(a), TEX. REV. CIV. STAT. ANN., as amended.
2. The following individuals have submitted petitions in accordance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.

3. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code, §213.28 and evaluating the conviction's direct relationship to nursing according to Article 6252-13c(b) TEX. REV. CIV. STAT. ANN., as amended.

IT IS THEREFORE CONSIDERED, that:

Thomas Joseph Canady
Lisa Rhea Carlton
Brad Jewel Mayberry
Rhonda Rance Pounds

ARE DECLARED CONDITIONALLY ELIGIBLE FOR LICENSURE SUBJECT TO THE RESERVATIONS AND REQUIREMENTS SET OUT BELOW:

1. Each individual named in this Order shall, upon graduation from an accredited school of nursing, satisfy all requirements for entrance to the National Council Licensure Examination for Registered Nurses (NCLEX-RN), and licensure by the Board.
2. Each individual named in this Order shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Article 4525, TEX. REV. CIV. STAT. ANN., as amended.
3. Each individual named in this Order shall comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq. and this Order.

Entered this 11th day of February, 1997.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By: 
Katherine A. Thomas, MN, RN
Executive Director