



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 § AGREED  
Vocational Nurse License Number 131426 §  
issued to CALVIN JEROME MCLEOD § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CALVIN JEROME MCLEOD, Vocational Nurse License Number 131426, 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) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 23, 2013, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from United States Army Clinical Special Course, Fort Gordon, Georgia, on May 28, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1990.
5. Respondent's nursing employment history is unknown.

6. On or about July 24, 2009, Respondent's license to practice vocational nursing in the State of Ohio was issued a CONSENT AGREEMENT by the Ohio Board of Nursing, Columbus Ohio. A copy of the CONSENT AGREEMENT dated July 24, 2009, is attached and incorporated by reference as part of this Order.
7. On or about November 15, 2007, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about January 15, 2006, Respondent was arrested by the Chillicothe Police Department, Chillicothe, Ohio with DOMESTIC VIOLENCE, AGGRAVATED MENACING, misdemeanor offenses. On or about January 26, 2006, Respondent was convicted of Aggravated menacing, in the Chillicothe Municipal Court, Chillicothe, Ohio. As a result of the conviction, Respondent was sentence to confinement for a period of twelve (12) days.

8. In response to Findings of Fact Number Seven (7), Respondent states Respondent states on January 15, 2006, he was arrested in Chillicothe, OH, he was fined and placed on probation.

#### 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 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 Vocational Nurse License Number 131426, heretofore issued to CALVIN JEROME MCLEOD, including revocation of Respondent's license(s) to practice 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 WARNING WITH STIPULATIONS, 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty (\$250) dollars. 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.

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 may be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of JUNE, 2013.

Calvin J. McLeod  
CALVIN JEROME MCLEOD, RESPONDENT

Sworn to and subscribed before me this 20<sup>th</sup> day of JUNE, 2013.

SEAL

Christopher A Harrod

Notary Public in and for the State of OHIO



CHRISTOPHER A. HARROD  
Notary Public, State of Ohio  
My Commission Expires Oct. 5, 2013

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of June, 2013, by CALVIN JEROME MCLEOD, Vocational Nurse License Number 131426, and said Order is final.

Effective this 6th day of August, 2013.



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



# Ohio Board of Nursing

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410

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BOARD OF NURSING  
OHIO

**CONSENT AGREEMENT  
BETWEEN  
CALVIN MCLEOD, L.P.N.  
AND  
OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between CALVIN MCLEOD, L.P.N. (MR. MCLEOD) and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

MR. MCLEOD voluntarily enters into this Consent Agreement being fully informed of his rights under Chapter 119, ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

### BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(4), ORC, authorizes the Board to discipline a licensee for conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of any crime involving gross immorality or moral turpitude. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Section 4723.03(B), ORC, states that no person shall engage in the practice of nursing as a licensed practical nurse, represent the person as being a licensed practical nurse, or use the title "licensed practical nurse," the initials "L.P.N." or any other title implying that the person is a licensed practical nurse, for a fee, salary, or other consideration, or as a volunteer, without holding a current,



valid license as a licensed practical nurse under this chapter. Further, Rule 4723-4-06(P), Ohio Administrative Code, states that a licensed nurse shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the board, to current employers, or to any future employers for positions requiring a nursing license.

- B. **MR. MCLEOD's** license to practice nursing as a licensed practical nurse, PN-122203, in the State of Ohio, is lapsed.
- C. **MR. MCLEOD** knowingly and voluntarily admits to the legal and factual allegations set forth in the Notice of Opportunity for Hearing (January 2009 Notice) issued to him on January 16, 2009, a copy of which is attached hereto and incorporated herein.
- D. **MR. MCLEOD**, through his attorney, has indicated a willingness to cooperate with the Board in order to resolve the issues set forth in his January 2009 Notice and has provided a number of letters of support and/or recommendations.
- E. The Board has received a letter in support of **MR. MCLEOD** from Dr. Timothy Angel, CEO/Health Commissioner, Ross County Health District (see Attachment A). In his letter, Dr. Angel indicates his support of **MR. MCLEOD** being permitted to resume home health nursing employment with Ross County Health District (Ross County Home Health Division).
- F. The Board has also received a letter from Wanda Wetsel, R.N., Ross County Home Director, (see Attachment B) indicating that she also is in favor of **MR. MCLEOD** being permitted to resume home health nursing employment with Ross County Health District. In her letter, Ms. Wetsel reports that she finds **MR. MCLEOD** to be an outstanding nurse and that he has been a stellar employee.
- G. **MS. MCLEOD** has continued employment with Ross County Home Care in a non-nursing capacity.

#### AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MR. MCLEOD** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations:

In regard to **MR. MCLEOD** working as a licensed practical nurse without a valid, current license, **MR. MCLEOD** knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. **MR. MCLEOD** is hereby fined five hundred dollars (\$500.00). **MR. MCLEOD** shall pay the fine of five hundred dollars (\$500.00) to the Board by **January 1, 2010**, made payable to the "Treasurer, State of Ohio" and delivered or mailed to the Board, Attention Compliance Unit, 17 S. High St., Suite 400, Columbus, OH 43215-7410.

In regard to the allegations set forth in Paragraph C above, **MR. MCLEOD** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: upon completion of the licensure renewal process, **MR. MCLEOD's** license to practice nursing as a licensed practical nurse is hereby renewed and suspended indefinitely. Such suspension is hereby stayed, subject to the following **PROBATIONARY** terms, conditions, and limitations until at least **July 2011**:

1. **MR. MCLEOD** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio.
2. **MR. MCLEOD** shall appear in person for interviews before the full Board or its designated representative as requested by the Board or its designee.

#### **Continuing Education Requirements**

3. **By January 1, 2010**, in addition to the continuing nursing education required for licensure renewal, **MR. MCLEOD** shall complete and submit documentation of satisfactory completion of the following continuing nursing education taken subsequent to the effective date of this Consent Agreement, four (4) hours in Professionalism and four (4) hours in Ethics.

#### **Psychiatric Evaluation**

4. **Within ninety (90) days following the effective date of this Consent Agreement**, **MR. MCLEOD** shall, at his own expense, obtain a psychiatric evaluation by a Board approved psychiatrist and shall provide the Board with complete documentation of this evaluation. Prior to the evaluation, **MR. MCLEOD** shall provide the psychiatrist with a copy of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B. Further, **MR. MCLEOD** shall execute releases to permit the psychiatrist to obtain any information deemed appropriate and necessary for the evaluation. The psychiatrist shall submit a written opinion to the Board that includes diagnoses,

recommendations for treatment and monitoring, any additional restrictions that should be placed on MR. MCLEOD's license to practice; and a statement as to whether MR. MCLEOD is capable of practicing nursing according to acceptable and prevailing standards of safe nursing care.

5. MR. MCLEOD shall provide the Board with satisfactory documentation of compliance with all aspects of the treatment plan developed by the psychiatrist described above until released. Further, MR. MCLEOD agrees that the Board may utilize the psychiatrist's recommendations and conclusions from the evaluation as a basis for additional terms, conditions, limitations on MR. MCLEOD's license and that the terms, conditions, and limitations may be incorporated in an addendum to this Consent Agreement.

#### Employment Conditions

6. Prior to accepting employment as a nurse, each time with every employer, MR. MCLEOD shall notify the Board.
7. MR. MCLEOD, within fifteen (15) days of the effective date of the Consent Agreement, if working in a position in which a nursing license is required, shall provide his employer(s) with a copy of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B. Further, MR. MCLEOD is under a continuing duty to provide a copy of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B to any new employer prior to accepting employment. MR. MCLEOD shall have his employer(s), if working in a position where a nursing license is required, submit written reports regarding job performance on a bimonthly basis (every two months) beginning September 1, 2009. MR. MCLEOD shall have his employer(s) send documentation to the Board, along with the first employer report, of receipt of a copy of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B., including the date the Consent Agreement (with attachments) was received.

*If MR. MCLEOD resumes nursing practice with Ross County Home Care, he shall have his employer provide a copy of this Consent Agreement, the attached January 2009 Notice, Attachments A & B, and an Acknowledgement of Receipt form (see Attachment C) to each and every patient to whom MR. MCLEOD provides nursing care. Prior to providing nursing care, MR. MCLEOD shall verify that the patients to whom he provides care have signed an Acknowledgement of Receipt form and returned it to Ross County Home Care. Further, MR. MCLEOD shall have his employer, as part of its bimonthly employer*

report to the Board, provide copies of the Acknowledgement of Receipt forms signed by those patients.

#### **Reporting Requirements of Licensee**

8. **MR. MCLEOD** shall report to the Board, in writing, any violation of this Consent within thirty (30) days of the occurrence of the violation.
9. **MR. MCLEOD** shall sign release of information forms allowing health professionals and other organizations to submit the requested documentation directly to the Board.
10. **MR. MCLEOD** shall submit any and all information that the Board may request regarding his ability to practice according to acceptable and prevailing standards of safe nursing practice.
11. **MR. MCLEOD** shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board or to employers or potential employers.
12. **MR. MCLEOD** shall submit the reports and documentation required by this Consent Agreement on forms specified by the Board. All reporting and communications required by this Consent Agreement, the attached January 2009 Notice, and Attachments A & B. shall be made to the Compliance Unit of the Board.
13. **MR. MCLEOD** shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
14. **MR. MCLEOD** shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
15. **MR. MCLEOD** shall inform the Board within five (5) business days, in writing, of any change in employment status or of any change in residential or home address or telephone number.

#### **Temporary Practice Restrictions**

**MR. MCLEOD** further knowingly and voluntarily agrees with the Board to the following **TEMPORARY LICENSURE RESTRICTIONS**:

**With the exception of resuming his nursing employment with Ross County Health District (Ross County Home Care), MR. MCLEOD shall not practice nursing as a licensed practical nurse (1) for agencies providing home care in the**

patient's residence; (2) for hospice care programs providing hospice care in the patient's residence; (3) as a nurse for staffing agencies or pools; (4) as an independent provider where the nurse provides nursing care and is reimbursed for services by the State of Ohio through State agencies or agents of the State; or (5) for an individual or group of individuals who directly engage **MR. MCLEOD** to provide nursing services for fees, compensation, or other consideration or as a volunteer.

**MR. MCLEOD** shall not function in a position or employment where the job duties or requirements involve management of nursing and nursing responsibilities, or supervising and evaluating nursing practice. Such positions include but are not limited to the following: Director of Nursing, Assistant Director of Nursing, Nurse Manager, Vice President of Nursing.

#### FAILURE TO COMPLY

**MR. MCLEOD** agrees that his license to practice nursing as a licensed practical nurse will be automatically suspended if it appears to the Board that **MR. MCLEOD** has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify **MR. MCLEOD** via certified mail of the specific nature of the charges and automatic suspension of his license. Upon receipt of this notice, **MR. MCLEOD** may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, **MR. MCLEOD** appears to have violated or breached any terms or conditions of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B., the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### DURATION/MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both **MR. MCLEOD** and the Board.

The Board may only alter the probationary period imposed by this Consent Agreement if: (1) the Board determines that **MR. MCLEOD** has complied with all aspects of this Consent Agreement; and (2) the Board determines that **MR. MCLEOD** is able to practice according to acceptable and prevailing standards of safe nursing care without Board monitoring, based upon an interview with **MR. MCLEOD** and review of the reports as required herein. Any period during which **MR. MCLEOD** does not work in a position for which a nursing license is required shall not count toward fulfilling the probationary period imposed by this Consent Agreement.

**ACKNOWLEDGMENTS/LIABILITY RELEASE**

MR. MCLEOD acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MR. MCLEOD waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.


MR. MCLEOD waives any and all claims or causes of action he may have against the Board, and its members, officers, employees and/or agents arising out of matters which are the subject of this Consent Agreement.

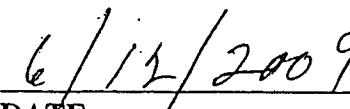
This Consent Agreement and its attachments shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.


This Consent Agreement is not an adjudication order as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement, the attached January 2009 Notice, and Attachments A & B. shall comply with the Administrative Procedures Act, Chapter 119, ORC.

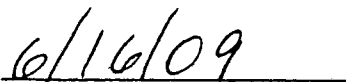
**EFFECTIVE DATE**

MR. MCLEOD understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.

  
\_\_\_\_\_  
CALVIN MCLEOD, L.P.N.

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
EUGENE P. NEVADA, ESQ.  
Attorney for Mr. McLeod

  
\_\_\_\_\_  
DATE

Calvin McLeod, L.P.N.

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Lisa Klenke MBA RN  
LISA KLENKE, President  
Ohio Board of Nursing

7.24.09  
DATE