

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 Vocational Nurse	§	AGREED
License Number 165729	§	
issued to GUY W. BARNETT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GUY W. BARNETT, Vocational Nurse License Number 165729, 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 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 11, 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 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 an Associate Degree in Vocational Nursing from Maryland on June 30, 1990. Respondent was licensed to practice nursing in the State of Texas on November 12, 1997.
5. Respondent's vocational nursing employment history is unknown.

6. On or about April 22, 2004, Respondent was issued the sanction of a SEVERE REPRIMAND 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 April 22, 2004, is attached and incorporated, by reference, as part of this Order.
7. On or about October 4, 2009, Respondent submitted an Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing, in which he provided false, deceptive, and/or misleading information, in that he 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 April 17, 2009, Respondent entered a plea of Guilty to THEFT OF SERVICE \$20 TO \$500, a Class B misdemeanor offense committed on May 18, 2007, in the county Court No. 6, Bexar County, Texas, Cause No. 267432. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of nine (9) months.

8. In response to Finding of Fact Number Seven (7), Respondent states that he was of the opinion that since the cases were either dismissed, or would be dismissed, he was not providing false information to the board.
9. Formal Charges were filed on May 30, 2013.
10. Formal Charges were mailed to Respondent on May 31, 2013.

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).
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 165729, heretofore issued to GUY W. BARNETT, 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 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, 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

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 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.

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.


BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

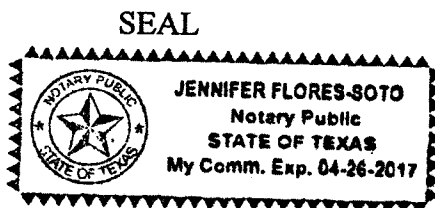
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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.

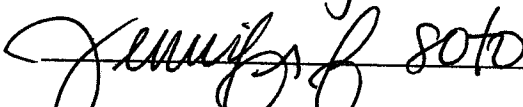
Signed this 14 day of August, 2013.



GUY W. BARNETT, RESPONDENT

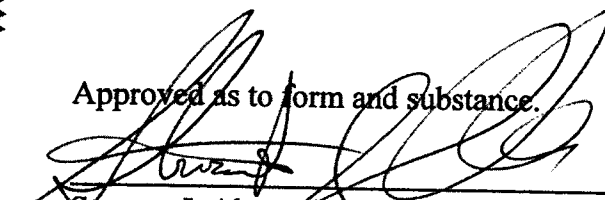
Sworn to and subscribed before me this 14 day of August, 2013.





Notary Public in and for the State of TX

Approved as to form and substance.



Stewart J. Alexander, Attorney for Respondent

Signed this 26th day of August, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of August, 2013, by GUY W. BARNETT, Vocational Nurse License Number 165729, and said Order is final.

Effective this 10th day of September, 2013.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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

BOARD OF NURSE EXAMINERS

STATE OF TEXAS

VS.

GUY WESLEY BARNETT

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Nurse Examiners the matter of vocational nurse license number 165729 held by GUY WESLEY BARNETT, hereinafter called Respondent.

By letter, the Board of Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. Respondent was employed as a licensed vocational nurse with Carestaf of San Antonio, in San Antonio, Texas, from about February 13, 2003 to about July 16, 2003.

b. While so employed at said facility, and while on assignment to Compass Hospital, San Antonio, Texas, on or about July 8, 2003, Respondent was found to be sleeping while on duty.

c. While so employed at said facility, and while on assignment to Compass Hospital, San Antonio, Texas, on or about July 8, 2003, Respondent was responsible for discrepancies in the administration and documentation of medications for various patients assigned to Compass Hospital, to-wit:

AGREED BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 2

On or about July 8, 2003, Respondent documented on a medication administration record for patient 1778, that he had administered a 6:00 a.m. dose of Theophyllin 80mg; a 6:00 a.m. dose of Xanax 0.5mg; a 6:00 a.m. dose of Cardizem 60mg; and a 6:30 a.m. dose of Glucotrol 10mg to patient 1778, even though Respondent had been released from his duties by Compass Hospital at 3:00 a.m., on July 8, 2003.

On or about July 8, 2003, Respondent documented on a medication administration record for patient 1848, that he had administered a 6:00 a.m. dose of Cleocin 150mg; a 7:00 a.m. dose of Caltrate with Calcium Carbonate 600mg; and a 6:00 a.m. dose of Tylenol Extra Strength 500mg to patient 1848; even though Respondent had been released from his duties by Compass Hospital at 3:00 a.m., on July 8, 2003.

d. While so employed at said facility, and while on assignment to Compass Hospital, San Antonio, Texas, on or about July 8, 2003, Respondent was responsible for discrepancies in the documentation of nursing care provided for patient 1848 assigned to Compass Hospital, to-wit:

On or about July 8, 2003, Respondent documented that he had assessed patient 1848 at 4:00 a.m. and that patient 1848 was sleeping without any difficulty; even though Respondent had been released from his duties by Compass Hospital at 3:00 a.m., on July 8, 2003.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

AGREED BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 3

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Nurse Examiners that license number 165729, heretofore issued to GUY WESLEY BARNETT to practice vocational nursing in the State of Texas be, and the same is hereby **SEVERELY REPRIMANDED**.

IT IS FURTHER ORDER that Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: **Pharmacology** (to include Clinical and Medication Administration), **Legal Aspects of Nursing** (to include Charting, & Patient Confidentiality), and submit documentation of successful course completion to the Board office within the first six (6) months of the Board's ratification of this Order. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of Order.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

AGREED BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 4

Dated this the 20 day of November, 2003.

Guy Wesley Barnett
Guy Wesley Barnett
Signature of Respondent

7219 HARDESTY
Current Address

SAN ANTONIO, TX. 78250.
City, State and Zip

210 , 316-2271
Area Code and Telephone Number

The State of Texas
County of BEXAR

Before me, the undersigned authority, on this day personally appeared GUY WESLEY BARNETT, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 20 day of November, 2003.

Sarah Gonzalez
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 5

Katherine A. Thomas, MN, RN
Agent for the Board of
Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
_____ day of _____, 2003⁴

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 7

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2004, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

GUY WESLEY BARNETT
7219 HARDESTY
SAN ANTONIO, TEXAS 78250

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

Katherine A. Thomas, MN, RN
Executive Director
Agent for the Board of Nurse Examiners

BOARD ORDER
RE: GUY WESLEY BARNETT, LVN #165729
PAGE 6

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 20th day of November, 2004 by GUY WESLEY BARNETT, license number 165729 and that Said Order is Final.

Effective this 22nd day of April, 2004.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

Katherine A. Thomas, MN, RN
Executive Director
On Behalf of Said Board

TEXAS BOARD OF NURSING
333 GUADALUPE STREET, SUITE 3-460
AUSTIN, TEXAS 78701

Board Order Billing Form

PLEASE SUBMIT THIS FORM WITH REMITTANCE OF FINE

Name _____
(Please Print) First Middle Last

Maiden Name

License Number

Social Security Number

I have enclosed a **cashier's check** or **U.S. Money Order** payable to the Texas Board of Nursing in
the amount of \$ _____. (Please initial)

DO NOT WRITE BELOW THIS LINE

Amount of Remittance _____

Audit Number _____

Date Received _____

Accepted By _____

TEXAS BOARD OF NURSING
333 GUADALUPE STREET, SUITE 3-460
AUSTIN, TEXAS 78701
(512) 305-6827

NOTICE

Be advised that the following information relates to the monitoring of your compliance with the enclosed Board Order:

All required courses must be completed within one (1) year from the date of the order regardless if your license is in delinquent status or current.

You are responsible for ensuring the appropriate forms are mailed to the Board's office within the correct time frame. You are also responsible for ensuring that the appropriate personnel at your place of employment have been notified of the Order and that you have provided your employer with a copy of the Order.

A Notification of Employment form is enclosed, for you to give to your employer for submission to this office if you are required to cause your employer to submit periodic reports. This form is only to be used by employers who employ you as a registered nurse in the State of Texas.

1. If you are currently employed as a registered/vocational nurse, you are required to cause your current employer to submit the Notification of Employment form to our office within ten (10) days of your receipt of the enclosed Board Order.
2. If you are not currently employed as a registered/vocational nurse, you will be required to cause your potential employer to submit the Notification of Employment form to our office within five (5) days of employment as a registered nurse.
3. If you change employers during the term of your Order, you will be required to cause your new employer to submit a new Notification of Employment form to this office within five (5) days of your new employment as a registered nurse.

Once this office receives the completed Notification of Employment form, you will be sent your first set of report forms to be used to document your compliance with the stipulations of your Board Order. You will also be informed of the date on which your first set of reports will be due in the Board's office.

This office works on due dates of either the 15th or the last day of any given month. **All reports will only be accepted if received in this office within two weeks prior to, or two weeks immediately following the due date. Also, please be aware that all reports, except for Support Group attendance, must be submitted directly from the individual completing the report.**

You will be credited only for reports verifying your compliance with your stipulations during periods of time in which you are employed as a registered/vocational nurse. Quarterly reports will only be accepted if you have been working with the same employer for a full three (3) months. Employment for one (1) or two (2) months will not count towards your monitoring period.

The effective date of the Order is the date the Order was ratified by the Board. That date may be found on the Executive Director's signature page contained in your Order. You will be responsible for compliance with the Order of the Board without further notice from our office. **Be aware that any failure to comply with the terms of the Order may result in another investigation and possible further disciplinary action being taken against your license (including possible revocation of your license) due to your non-compliance.** Review the enclosed Board Order carefully. If you are a registered nurse and have any questions, contact Diane E. Burell, Investigator at (512) 305-6827. If you are a vocational nurse and have any questions, contact Carolyn Hudson, Probation Monitor, at (512) 305-7667.

Texas Board of Nursing
333 Guadalupe Street, Suite 3-460
Austin, Texas 78701
(512) 305-6827

NOTIFICATION OF EMPLOYMENT

Regarding: _____

License Number: _____

This is to certify that the above identified nurse has been employed by

_____ which is a _____
Name of Facility *Type of Facility*

in the position of _____ since the date of _____.

I have received a complete copy of the Order of the Board and am aware of the stipulations placed on this license by the Texas Board of Nursing. **I agree to notify the Board's office and provide information to the Board regarding this nurse's resignation or termination.**

Supervisor's Signature: _____ **Date:** _____

Title: _____

Facility Name and Address: _____

Telephone #: _____

If the Board's Order requires that the nurse cause his/her employer to submit a periodic Nursing Performance Evaluation, and that Evaluation will be signed by a nurse other than the above Supervisor, please list that individual's name and title below.

Name: _____

Title: _____

For Registered Nurses: Return to the attention of Diane E. Burell, Investigator, at the above address
For Vocational Nurses: Return to the attention of Carolyn Hudson, Probation Monitor, at the above address