



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

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In the Matter of § AGREED  
Registered Nurse License Number 672219 §  
& Vocational Nurse License Number 153321 §  
issued to CLIFTON EDWARD TAVARES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CLIFTON EDWARD TAVARES, Registered Nurse License Number 672219, and Vocational Nurse License Number 153321, 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)(10)&(13) 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 September 12, 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 professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on December 15, 1994, and a Baccalaureate Degree in Nursing from the University of Texas, on May 1, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on August 31, 1995, and Respondent was licensed to practice professional nursing in the State of Texas on August 15, 2000.

5. Respondent's nursing employment history includes:

12/94 - 06/95	LVN	US Army 921st Field Hospital Sacramento, California
07/95	Unknown	
08/95 - 08/96	LVN	San Antonio State School San Antonio, Texas
11/95 - 08/96	LVN	Avalon Place Nursing Home San Antonio, Texas
09/96 - 11/96	Unknown	
12/96 - 03/97	LVN	TX Dept. of Correctional Justice Hondo, Texas
03/97 - 01/00	LVN	Val Verde Health Center San Antonio, Texas
06/97 - 06/98	LVN	A&E Home Health Inc. San Antonio, Texas
10/97 - 06/01	LVN	WHMC Lackland AFB San Antonio, Texas
08/00 - 12/00	SICU LVN	Metropolitan Methodist Hospital San Antonio, Texas
07/00 - 01/04	Agency LVN	Interim Health Care San Antonio, Texas
09/01 - 04/03	LVN	Brook Army Medical Center San Antonio, Texas
04/03 - 12/03	OR LVN	Brooke Army Medical Center San Antonio, Texas
01/04 - 12/04	OR Charge LVN	31st Combat Support Hospital Baghdad, Iraq
01/05 - 05/05	OR LVN	Brooke Army Medical Center San Antonio, Texas

Respondent's nursing employment history continued:

05/05 - 11/05	OR Charge LVN	Weed Army Community Hospital Fort Irwin, California
11/05 -08/07	OR/CMS LVN	Weed Army Community Hospital Fort Irwin, California
08/07 - 02/09	OR/CMS LVN	Keller Army Community Hospital West Point, New York
02/09 - 03/13	LVN	Methodist Stone Oak Hospital San Antonio, Texas
04/13 - Present	Unknown	

6. On or about June 12, 2008, Respondent was adjudged Guilty in a General Court Martial of four (4) specifications of MALTREATMENT, a violation of Article 93, Uniform Code of Military Justice (UCMJ). As a result, it was ordered that Respondent be dismissed from the service of the United States Army. On or about May 26, 2010, the United States Army Court of Criminal Appeals affirmed the findings of guilty and the sentence. The conviction became final on September 9, 2010, when the United States Court of Appeals for the Armed Forces denied Respondent's petition for a grant of review.
7. On or about March 30, 2011 while employed with Methodist Stone Oak Hospital, San Antonio, Texas, Respondent inappropriately documented physician's orders for Patient Number K00044308 in that he photocopied the physician's orders for Patient Number K00045045, used "white out" to cover the patient label, then placed another patient label over it and documented the date, time and patient identifying information for Patient Number K00044308 on the new label. Respondent's conduct unnecessarily exposed Patient Number K00044308 to risk of harm from complications of inaccurate and/or unauthorized physician's orders.
8. On or about March 25, 2013, while employed with Methodist Stone Oak Hospital, San Antonio, Texas, Respondent utilized a work computer to access sexually explicit materials, while on duty. The materials were later discovered by other nursing staff. Respondent's conduct created a hostile work environment and unnecessarily exposed the patients and other staff members to risk of emotional harm.
9. In response to Finding of Fact Number Six (6), Respondent states he was questioned by the West Point Military Police but was not told he was under arrest. Respondent states he was later informed that he was charged with sexual harassment by his subordinates. Respondent further states that he attended an Article 32 hearing and a trial (court martial) was set for June 2008. Respondent admits that at the trial/court martial he was found guilty of sexual harassment. Regarding Finding of Fact Number Seven (7), Respondent states that the

physician had ordered an orthopedic cocktail for Patient Number K00045045 so he documented the verbal order and scanned it to the pharmacy. Respondent further states that the physician later ordered the same orthopedic cocktail for Patient Number K00044308. Respondent states that he made a photocopy of the original verbal order listing in order to save time. Regarding Finding of Fact Number Eight (8), Respondent admits to accessing his personal email while at work, but denies that he accessed any sexually explicit material. Respondent states that a computer "glitch" allowed for users to access previous user's email and charting system. Respondent admits to sending at least one sexually explicit email to a co-worker in an attempt to discover who was accessing his email.

### 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 §§217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(4),(6)(A)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 672219, and Vocational Nurse License Number 153321, heretofore issued to CLIFTON EDWARD TAVARES, 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 a 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 a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>.

(3) 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>.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE**

**STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a

Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

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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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.

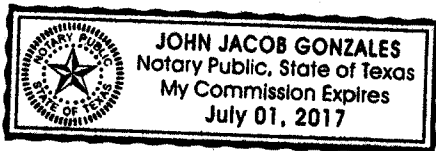
Signed this 28 day of October, 2013

Clifton Edward Tavares  
CLIFTON EDWARD TAVARES, RESPONDENT

Sworn to and subscribed before me this 28 day of October, 2013.


SEAL

[Signature]  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28<sup>th</sup> day of October, 2013, by CLIFTON EDWARD TAVARES, Registered Nurse License Number 672219, and Vocational Nurse License Number 153321, and said Order is final.

Effective this 10th day of December, 2013.



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