



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
Registered Nurse License Number 581439 §
issued to JOHN BENJAMIN BARNETT § ORDER

~~On this day the Texas Board of Nursing, hereinafter referred to as the Board,~~
considered the matter of JOHN BENJAMIN BARNETT, Registered Nurse License Number 581439,
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. Article 4525(b)(2)&(9)(eff 9/1/1991), 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 April 25, 2014.

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 Tyler Junior College, Tyler, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's nursing employment history is unknown.

6. On or about May 8, 1992, Respondent submitted a Registration by Examination Registered Nurse to the Board of Nurse Examiners for the State of Texas in which he answered "No" to the question:

"Have you ever been convicted of a crime other than a minor traffic violations?"

Respondent failed to disclose the following:

On or about April 14, 1976, Respondent entered a plea of Guilty and was convicted of UNLAWFULLY, INTENTIONALLY AND KNOWINGLY POSSESS MARIJUANA IN A USABLE QUANTITY OF UNDER TWO OUNCES, a misdemeanor offense committed on February 28, 1976, in the County Criminal Court at Law No. 3 of Harris County, Texas, under Cause No. 451984. As a result of the conviction, Respondent ordered to pay a fine and court costs.

On or about April 20, 1987, Respondent entered a plea of Guilty and was convicted of DRIVING AND OPERATION A MOTOR VEHICLE IN A PUBLIC PLACE IN SMITH COUNTY TEXAS, WHILE INTOXICATED, a misdemeanor offense committed on November 10, 1986, in the County Court at Law of Smith County, Texas, under Cause No. 71,049A. As a result of the conviction, Respondent was sentenced to confinement in the Smith County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.

On or about April 20, 1987, Respondent entered a plea of Guilty and was convicted of DRIVING AND OPERATION A MOTOR VEHICLE IN A PUBLIC PLACE IN SMITH COUNTY TEXAS, WHILE INTOXICATED, a misdemeanor offense committed on December 14, 1986, in the County Court at Law of Smith County, Texas, under Cause No. 70,619. As a result of the conviction, Respondent was sentenced to confinement in the Smith County Jail for a period of one (1) year; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states he denies any substance abuse disorder and brings to BON attention that the DWI's in question were received within one month of each other while Respondent was in the midst of a divorce and experiencing severe financial hardship. He successfully completed his probation and there have been no incidents or episodes since that time to indicate alcohol is in any way a problem in his life.

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 §217.13(15)(eff. 9/1/1987)~~
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. Article 4525(b)(2)&(9)(eff. 9/1/1991), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 581439, heretofore issued to JOHN BENJAMIN BARNETT, 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, 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/compliance>.*

(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/compliance>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred 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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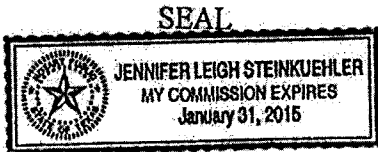
RESPONDENT'S CERTIFICATION

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 28 day of August, 2014.

John Benjamin Barnett
JOHN BENJAMIN BARNETT, Respondent

Sworn to and subscribed before me this 28 day of August, 2014.



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

Approved as to ~~form and substance~~.

[Signature]
Louis Leichter, Attorney for Respondent

Signed this 4 day of Sept, 2014

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 28th day of August, 2014, by JOHN BENJAMIN BARNETT, Registered Nurse License Number 581439, and said Order is final.

Effective this 5th day of September, 2014.



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