

# BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	ELIGIBILITY AGREED ORDER
BILLIE DAWN CLARK,	§	FOR
Registered Nurse License Number 714445 &	§	REACTIVATION OF LICENSE
Vocational Nurse License Number 176984,	§	
APPLICANT for Reactivation of License	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the License Reactivation Application, herein referred to as the Application, and supporting documents filed by BILLIE DAWN CLARK, hereinafter referred to as Applicant, requesting a determination of eligibility for licensure reactivation in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code, together with any documents and information gathered by staff and Applicant's Certification contained herein.

Information received by the Board produced evidence that Applicant may be ineligible for licensure reactivation pursuant to Sections 301.452(b)(3) and 301.453, Texas Occupations Code.

Applicant waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 19, 2019.

## FINDINGS OF FACT

1. On or about August 8, 2019, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
2. Applicant waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Applicant received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on July 6, 2000. Applicant received an Associate Degree in Nursing from Paris Junior College, Paris, Texas, on May 7, 2004. Applicant was licensed to practice vocational nursing in the State of Texas on September 7, 2000. Applicant was licensed to practice professional nursing in the State of Texas on March 17, 2005.
4. Applicant's licenses to practice as nursing in the State of Texas are in inactive status.

5. On or about March 4, 2003, Applicant was issued the sanction of Reprimand through an Order of the Board. A copy of the March 4, 2003, Order is attached and incorporated herein by reference as part of this Agreed Order.
6. On or about March 7, 2007, Applicant was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the March 7, 2007, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about November 14, 2017, Applicant was issued the sanction of Reprimand with Stipulations and Applicant's licenses were placed in Inactive status through an Order of the Board. A copy of the November 14, 2017, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. The Executive Director considered evidence of Applicant's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Applicant currently demonstrates the criteria required for licensure.
9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
10. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
11. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about August 8, 2019, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.
3. Applicant's history reflects conduct which may constitute grounds for denial of license reactivation under Section 301.452(b)(3), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

5. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Applicant's license(s).
7. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### **TERMS OF ORDER**

#### **I. REACTIVATION OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Application of BILLE DAWN CLARK for Reactivation of License to practice nursing in the State of Texas be **GRANTED**.

IT IS FURTHER AGREED and ORDERED Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, previously issued to BILLIE DAWN CLARK, to practice nursing in the State of Texas are hereby **SUSPENDED** and said suspension is **STAYED** and APPLICANT is hereby placed on **PROBATION** for a minimum of two (2) years AND until APPLICANT fulfills the additional requirements of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to APPLICANT to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to APPLICANT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

- C. As a result of this Order, APPLICANT'S license(s) will be designated "single state" and APPLICANT may not work outside the State of Texas in another nurse licensure compact party state.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, APPLICANT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Eligibility Agreed Order for Reactivation of License.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure reactivation, APPLICANT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study and video programs will not be approved.
- B. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider.

*Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, APPLICANT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** APPLICANT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, APPLICANT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** APPLICANT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. APPLICANT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** APPLICANT 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 APPLICANT, 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 of experience in the same or similar practice setting to which the APPLICANT is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency,

hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** APPLICANT SHALL CAUSE each employer to submit, on forms provided to the APPLICANT by the Board, periodic reports as to APPLICANT'S capability to practice nursing. These reports shall be completed by the individual who supervises the APPLICANT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

**V. PROBATION REPORTS**

APPLICANT SHALL CAUSE his/her probation officer to submit written reports on forms provided to the APPLICANT by the Board. The reports shall indicate the APPLICANT'S compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until APPLICANT is released from probation.

**VI. SUBSEQUENT CRIMINAL PROCEEDINGS**

IT IS FURTHER AGREED, should the APPLICANT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, APPLICANT may be subject to further disciplinary action, up to, and including, revocation of APPLICANT'S license(s) to practice nursing in the State of Texas.

**VII. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Eligibility Agreed Order for Reactivation of License, all encumbrances will be removed from APPLICANT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, APPLICANT may be eligible for nurse licensure compact privileges, if any.

### APPLICANT'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my application and disclosures. I further understand that subsequently discovered discrepancies in my application and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21<sup>st</sup> day of October, 2019.

Billie Dawn Clark

BILLIE DAWN CLARK, APPLICANT

Sworn to and subscribed before me this 21<sup>st</sup> day of Oct., 2019.



Ruby Arnold  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order for Reactivation of License that was signed on the 21st day of October, 2019, by BILLIE DAWN CLARK, Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, APPLICANT for Reactivation of License, and said Eligibility Agreed Order for Reactivation of License is final.

Effective this 10th day of December, 2019.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

---

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





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 714445	§	
& Vocational Nurse License Number 176984	§	
issued to BILLIE DAWN CLARK	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BILLIE DAWN CLARK, Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, 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)(3)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 7, 2017.

### 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on July 6, 2000, and received an Associate Degree in Nursing from Paris Junior College, on May 7, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 2000, and was licensed to practice professional nursing in the State of Texas on March 17, 2005.

5. Respondent's nursing employment history includes:

09/2000 - 02/2001	Not employed in nursing	
03/2001 - 07/2002	Licensed Vocational Nurse (LVN) Charge Nurse	Paris Nursing Home Paris, Texas
09/2002 - 11/2002	LVN Charge Nurse, Alzheimer's Unit	Birchwood Manor Cooper, Texas
12/2002 - 11/2003	LVN Staff Nurse	Red River Healthcare Center Bogata, Texas
11/2003 - 06/2004	LVN Charge Nurse	Heritage Care Center Paris, Texas
06/2004 - 09/2004	LVN Charge Nurse	Deport Nursing Home Deport, Texas
10/2004 - 11/2004	LVN Staff Nurse	Mission Manor Nursing Home Mt. Vernon, Texas
12/2004 - 02/2006	Unknown	
03/2006 - 04/2006	Registered Nurse Wellness Director	Paris Oaks Assisted Living Paris, Texas
05/2006 - present	Unknown	

6. On or about March 4, 2003, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded through an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 4, 2003, is attached and incorporated, by reference, as part of this Order.

7. On March 7, 2007, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Additionally, Respondent was to comply with all the requirements of the TPAPN contract throughout its terms. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 7, 2007, is attached and incorporated, by reference, as part of this Order.

8. On or about February 6, 2017, Respondent entered a plea of Guilty to UNAUTHORIZED USE OF MOTOR VEHICLE, a State Jail Felony Offense, committed on January 9, 2016, in the 102nd District Court of Red River County, Texas, under Cause No. CR02434. 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 five (5) years and ordered to pay a fine and court costs.
9. On or about February 6, 2017, Respondent entered a plea of Guilty to UNAUTHORIZED USE OF MOTOR VEHICLE, a State Jail Felony Offense, committed on January 21, 2016, in the 102nd District Court of Red River County, Texas, under Cause No. CR02435. 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 five (5) years and ordered to pay a fine and court costs.
10. In response to Finding of Fact Numbers Eight (8)&(10), Respondent states her vehicle was stuck in the mud at a family member's house, the neighbors house(who is also a family member) and she asked him if she could use his vehicle to pull her vehicle out of the mud, to which he agreed. After his vehicle got stuck in the mud, he got upset and apparently called the police. Respondent was charged with criminal mischief, unauthorized use of vehicle, duty striking (damage a mailbox and child endangerment because she left her children next door less than 500 yards from where she was).

#### 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(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, heretofore issued to BILLIE DAWN CLARK.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

## TERMS OF ORDER

### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** and Respondent's license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had Respondent not chosen to inactivate his/her nursing license(s).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

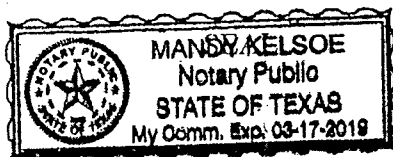
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 25 day of September, 2017.

Billie D. Clark

BILLIE DAWN CLARK, Respondent

Sworn to and subscribed before me this 25 day of September, 2017.

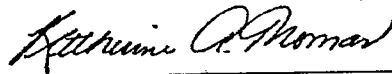


Mansy Kelsoe

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 25<sup>th</sup> day of September, 2017, by BILLIE DAWN CLARK, Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, and said Order is final.

Effective this 14<sup>th</sup> day of November, 2017.

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

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



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Registered Nurse License Number 714445  
& Vocational Nurse License Number 176984  
issued to BILLIE DAWN CLARK

§ AGREED  
§  
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BILLIE DAWN CLARK, Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13) and 302.402(a)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 8, 2007; by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on July 6, 2000, and received an Associate Degree in Nursing from Paris Junior College, Paris, Texas, on May 7, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 2000, and was licensed to practice professional nursing in the State of Texas on March 17, 2005.

5. Respondent's nursing employment history includes:

09/2000 - 02/2001	Not employed in nursing	
03/2001 - 07/2002	Licensed Vocational Nurse (LVN) Charge Nurse	Paris Nursing Home Paris, Texas
09/2002 - 11/2002	LVN Charge Nurse, Alzheimer's Unit	Birchwood Manor Cooper, Texas
12/2002 - 11/2003	LVN Staff Nurse	Red River Healthcare Center Bogata, Texas
11/2003 - 06/2004	LVN Charge Nurse	Heritage Care Center Paris, Texas
06/2004 - 09/2004	LVN Charge Nurse	Deport Nursing Home Deport, Texas
10/2004 - 11/2004	LVN Staff Nurse	Mission Manor Nursing Home Mt. Vernon, Texas
12/2004 - 02/2006	Unknown	
03/2006 - 04/2006	Registered Nurse Wellness Director	Paris Oaks Assisted Living Paris, Texas
05/2006 - Present	Unknown	

6. On or about March 4, 2003, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded through an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of Agreed Board Order, dated March 4, 2003, is attached and incorporated herein by reference as part of this Order.

7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a LVN Staff Nurse with Red River Healthcare Center, Bogata, Texas, and had been in this position for nine (9) months.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.  
CONTINUED ON NEXT PAGE.



8. On or about August 13, 2003, through October 28, 2003, while employed as a LVN with Red River Healthcare Center, Bogata, Texas, Respondent signed as receiving controlled substances, delivered for residents by pharmacies, for which there were no valid physicians' orders in the medical records, as follows:

Date	Resident	Controlled Substance	Quantity
8/13/03	PV	Hydrocodone/APAP 7.5/750 mg	30 tablets
8/18/03	PV	Hydrocodone/APAP 7.5/750 mg	30 tablets
8/26/03	PV	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/2/03	PV	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/4/03	RH	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/10/03	RH	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/16/03	RH	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/22/03	PV	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/25/03	RH	Hydrocodone/APAP 7.5/750 mg	30 tablets
9/26/03	WC	Alprazolam 0.5 mg	30 tablets
9/26/03	RT	Hydrocodone/APAP 7.5/500 mg	60 tablets
10/3/03	WC	Alprazolam 0.5 mg	30 tablets
10/3/03	RT	Hydrocodone/APAP 7.5/500 mg	60 tablets
10/9/03	RT	Hydrocodone/APAP 7.5/500 mg	60 tablets
10/13/03	WC	Alprazolam 0.5 mg	30 tablets
10/17/03	SW	Hydrocodone/APAP 7.5/500 mg	60 tablets
10/23/03	WC	Alprazolam 0.5 mg	30 tablets
10/28/03	SW	Hydrocodone/APAP 7.5/500 mg	60 tablets

None of the Medication Administration Records reflected that the controlled substances were being administered to the residents, and a facility investigation initiated on October 24, 2003, determined that none of the medications remained on the premises. Respondent's conduct was deceptive, defrauded residents and/or the facility of the cost of the medications and, in addition, constituted violations of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

9. On or about September 4, 2003, through October 17, 2003, while employed as a LVN with Red River Healthcare Center, Bogata, Texas, Respondent electronically transmitted via facsimile unauthorized and fraudulent orders for controlled substances to PharMerica pharmacy for patients, as follows:

Date	Resident	Order	Authorized / Signed by Physician ?
9/4/03	RH	Vicodin ES 1-2 tabs q 4 hr prn pain	No
9/26/03	RT	Hydrocodone 7.5/500 1-2 tabs q 4 hr prn	No
9/26/03	WC	Alprazolam 0.5 mg tab 1 po q 6 hr prn anxiety	No
10/17/03	SW	Hydrocodone 7.5/500 1 - 2 tabs q 4 hr prn pain	No

Although Respondent transmitted the orders to PharMerica pharmacy, she did not document the orders in the medical records of the patients. Respondent's conduct was deceptive, was likely to defraud residents and/or the facility of the cost of the medications and, in addition, constituted violations of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act):

10. On or about March 11, 2004, Respondent submitted a falsified Application for Initial Licensure by Examination for Registered Nurses to the Board of Nurse Examiners for the State of Texas in that Respondent answered "NO" to Eligibility Question Number Four (4), which asked in pertinent part:  
"Has any licensing authority ... ever fined, censured, reprimanded or otherwise disciplined you?"  
On or about March 4, 2003, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded by the Board of Vocational Nurse Examiners. Respondent's conduct was deceptive and may have affected the Board's decision regarding her licensure to practice professional nursing.
11. On or about September 3, 2004, Respondent submitted a falsified Application by NCLEX-RN Examination for Registered Nurses to the Board of Nurse Examiners for the State of Texas in that Respondent answered "NO" to Eligibility Question Number Three (3), which asked in pertinent part:  
"Has any licensing authority ... ever fined, censured, reprimanded or otherwise disciplined you?"  
On or about March 4, 2003, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded by the Board of Vocational Nurse Examiners. Respondent's conduct was deceptive and may have affected the Board's decision regarding her licensure to practice professional nursing.
12. On or about November 20, 2004, while employed as a LVN Staff Nurse with Mission Manor Nursing Home, Mt. Vernon, Texas, Respondent obtained Hydrocodone/APAP 10/325 for Resident Number 3021 and did not document administration of the Hydrocodone on the Medication Administration Record, as required. Respondent's conduct was likely to injure the resident in that subsequent care givers would rely on her documentation to further medicate the resident, which could have resulted in an overdose. Additionally, Respondent's conduct placed the facility in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

13. Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419 and 302, Texas Occupations Code.
14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
15. Respondent's conduct described in the preceding Findings of Fact Number resulted from and/or was significantly influenced by Respondent's impairment by dependency on chemicals.
16. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D)[effect. 9/28/04], 217.12(22)&(23), 217.12(11)(B)[effect. 9/28/04] and 239.11(1),(5),(6),(7),(8)&(28).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, heretofore issued to BILLIE DAWN CLARK, including revocation of Respondent's licenses to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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 violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26<sup>th</sup> day of February, 2007.

Billie D. Clark

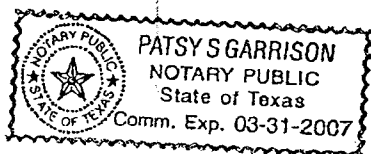
BILLIE DAWN CLARK, Respondent

Sworn to and subscribed before me this 26<sup>th</sup> day of February, 2007.

SEAL

Patsy Garrison

Notary Public in and for the State of TEXAS



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 26<sup>th</sup> day of February, 2007, by BILLIE DAWN CLARK, Registered Nurse License Number 714445 and Vocational Nurse License Number 176984, and said Order is final.

Entered and effective this 7<sup>th</sup> day of March, 2007.

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 on behalf  
of said Board

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

BILLIE D. CLARK

\*  
\*  
\*  
\*  
\*  
\*

STATE OF TEXAS

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

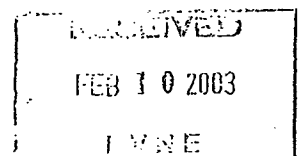
On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 176984 held by BILLIE D. CLARK, hereinafter called Respondent.

By letter, the Board of Vocational 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 at Paris Nursing Home in Paris, Texas from about May 7, 2002 through about July 1, 2002.

b. While so employed at said facility, on or about May 9, 2002, Respondent failed to notify the physician in a timely manner after discovering dark, blood-tinged urine draining from the foley catheter of resident N.C. Furthermore, Respondent failed to document the urine output for her shift. Subsequently, said resident was admitted to the hospital with a severe urethral stricture and Fournier's gangrene.



AGREED BOARD ORDER  
RE: BILLIE D. CLARK, LVN #176984  
PAGE 2

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.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 176984, heretofore issued to BILLIE D. CLARK to practice vocational nursing in the State of Texas be, and the same is hereby REPRIMANDED.

That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting), and submit documentation of successful course completion to the Board office within the first six (6) months of the ratification of this Order. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to



AGREED BOARD ORDER  
RE: BILLIE D. CLARK, LVN #176984  
PAGE 3

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 this 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.

Dated this the 3rd day of February, 2003.

Billie D. Clark

Signature of Respondent

P.O. Box 714

Current Address

Boquita, Texas 75417

City, State and Zip

903 1 632-<sup>PRD</sup>~~444~~ 4932

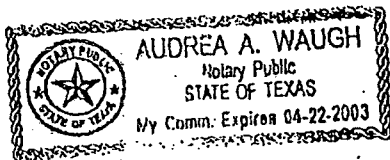
Area Code and Telephone Number

AGREED BOARD ORDER  
RE: BILLIE D. CLARK, LVN #176984  
PAGE 4

The State of Texas  
County of Dallas

Before me, the undersigned authority, on this day personally appeared BILLIE D. CLARK, 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.

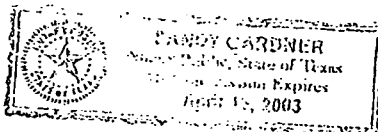
SWORN TO AND SUBSCRIBED before me on this the 30<sup>th</sup> day of February, 2003.



Audrea A. Waugh  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Terrie L. Hairston  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 27<sup>th</sup> day of February, 2003.

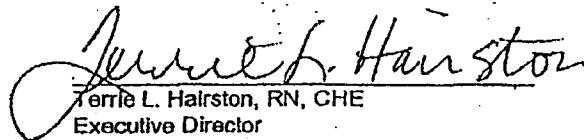


Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: BILLIE D. CLARK, LVN #176984  
PAGE: 5

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,  
notarized on the 3<sup>RD</sup> day of February, 2003 by Respondent, license number 176984 and that  
Said Order is Final.

Effective this 4<sup>th</sup> day of March, 2003

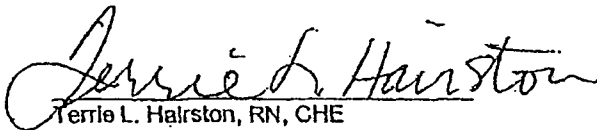
  
Terrie L. Halston, RN, CHE  
Executive Director  
On Behalf of Said Board

BOARD ORDER  
RE: BILLIE D. CLARK, LVN #176984  
PAGE: 6

CERTIFICATE OF SERVICE

I hereby certify that on the 7<sup>TH</sup> day of March, 2003, a true and correct copy of the foregoing  
BOARD ORDER was served by placement in the U.S. Mail, first class, and addressed to the  
following person(s):

BILLIE D. CLARK  
P.O. BOX 714  
BOGATA TX 75417



Terrie L. Hairston, RN, CHE  
Executive Director  
Agent for the Board of Vocational Nurse Examiners