



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  
Registered Nurse License Number 696826  
issued to TERA NICOLE CLAYBOURN

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§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERA NICOLE CLAYBOURN, Registered Nurse License Number 696826, 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)(1)&(10), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 4, 2020.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Victoria College, Victoria, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on June 24, 2003.
5. Respondent's nursing employment history includes:

2003 - 2009	Registered Nurse	Memorial Medical Center Port Lavaca, TX
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Respondent's nursing employment history continued:

2009 – 2012	Registered Nurse/ Case Manager	HealthForce Home Healthcare Victoria, Texas
2012 – 2017	Registered Nurse/ Case Manger	Calhoun Home Health Port Lavaca, Texas
2017 – 2019	Registered Nurse	Kindred At Home Victoria, Texas
2019 – Present	Unknown	

6. On or about July 11, 2019, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the July 11, 2019, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about May 21, 2019, Respondent was indicted for POSS CS PG 1 >=4G < 200G, a 2<sup>nd</sup> Degree Felony offense, committed on March 12, 2019. The criminal case is currently pending in the 24<sup>th</sup> District Court of Calhoun County, Texas, under Cause No. 2019-CR-8140-DC.
8. On or about February 24, 2020, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on July 11, 2019. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, in that she failed to check into the program's drug testing administration system and missed four (4) drug screen tests within a four (4) month period. Section I, Stipulation D of the Confidential Agreed Order for Peer Assistance Program dated July 11, 2019, states:

"(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term...."

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she was enrolled in TPAPN from September 2019 to February 2020. Respondent states her case is currently closed due to 4 missed drug tests. Respondent states she apologizes for having missed these tests. Respondent states two missed tests were due to miscommunication between her and the testing site. Respondent states the other two missed tests were due to missed check-ins. Respondent states she started a new job working 12 hour shifts, rotating nights and days. Respondent states these missed check-ins were the first couple of night shifts.

10. 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 301.451-301.555, 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(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 696826, heretofore issued to TERA NICOLE CLAYBOURN.
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.
6. 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.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 696826, previously issued to TERA NICOLE CLAYBOURN, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;

- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT 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 Agreed Order.

**III. SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

**IV. REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the suspension being stayed, unless otherwise specifically indicated:**

**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.

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).*

**V. SUBSEQUENT CRIMINAL PROCEEDINGS**

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a

deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

**VI. EFFECT OF NONCOMPLIANCE**

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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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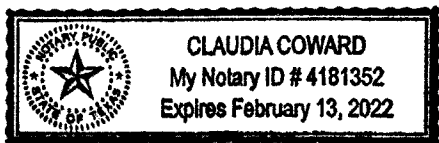
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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 entry of this Order and all conditions of said 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 Texas Board of Nursing 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25 day of July, 2020.  
Tera Nicole Claybourn  
TERA NICOLE CLAYBOURN, RESPONDENT

Sworn to and subscribed before me this 25 day of July, 2020.

SEAL



Claudia Coward  
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 Agreed Order that was signed on the 25<sup>th</sup> day of July, 2020, by TERA NICOLE CLAYBOURN, Registered Nurse License Number 696826, and said Agreed Order is final.

Effective this 30<sup>th</sup> day of July, 2020.



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



BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 696826	§	AGREED ORDER
issued to TERA NICOLE CLAYBOURN	§	FOR
	§	PEER ASSISTANCE


On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERA NICOLE CLAYBOURN, Registered Nurse License Number 696826, 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)(9),(10),(12)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 8, 2019.

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 Confidential Agreed Order for Peer Assistance.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Victoria College, Victoria, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on June 24, 2003.


  
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5. Respondent's nursing employment history includes:

2003 - 2009	Registered Nurse	Memorial Medical Center Port Lavaca, TX
2009 - 2012	Registered Nurse/ Case Manager	HealthForce Home Healthcare Victoria, TX
2012 - 2017	Registered Nurse/ Case Manager	Calhoun Home Health Port Lavaca, TX
2017 - 2019	Registered Nurse	Kindred At Home Victoria, TX
2019 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Kindred At Home, Victoria, Texas, and had been in that position for one (1) year and seven (7) months.
7. On or about January 9, 2019 through March 11, 2019, while employed as a Registered Nurse with Kindred At Home, Victoria, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but is not limited to, being shaky/fidgety, lacking eye contact during 1:1 conversations, appearing restless and overwhelmed, exhibiting a flat affect, and a change in appearance with obvious scratches noted to her arms, several bald spots noted to her scalp and a disheveled appearance. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about March 11, 2019, while employed as a Registered Nurse with Kindred At Home, Victoria, Texas, Respondent engaged in the intemperate use Methamphetamine and Amphetamine, in that she submitted a specimen for a for cause drug screen that resulted positive for Methamphetamine and Amphetamine. The use of Methamphetamine and Amphetamine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
9. In response to Findings of Fact Numbers Seven (7) through Eight (8), Respondent states in October 2018, her husband lost his job which created even more of a financial burden as they now had 4 children ages 5 and under. Respondent states all of the precipitating events led to marital discord, immense stress, and difficulty coping for her husband and herself.

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Respondent states while working with Kindred At Home from January 9, 2019 through March 11, 2019, she was under a tremendous amount of stress to be the sole provider for her family. Respondent states she also suffered from severe depression, which was believed to be postpartum depression. Respondent states all of these unforeseen circumstances have led to the impaired behavior as described in the letter. Respondent admits that she did engage in the use of methamphetamine at that time due to extreme stress from the prior six months' events.

10. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

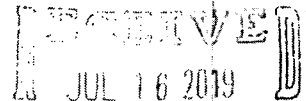
### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(10)(A),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12) &(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 696826, heretofore issued to TERA NICOLE CLAYBOURN.
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.
6. 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.

### TERMS OF ORDER

#### **I. PEER ASSISTANCE PROGRAM REQUIREMENTS**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT 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):



- A. Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent 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, RESPONDENT 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 Confidential Agreed Order for Peer Assistance.

**III. REMEDIAL EDUCATION COURSE(S)**

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In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT 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 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.

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. SUBSEQUENT CRIMINAL PROCEEDINGS**

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

**V. CONFIDENTIALITY REQUIREMENTS**

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to

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successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

**VI. EFFECT OF NONCOMPLIANCE**

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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, all encumbrances will be removed from RESPONDENT'S license(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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

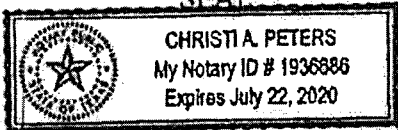
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said 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 Texas Board of Nursing 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6th day of July, 2019.

Tera Nicole Claybourn  
TERA NICOLE CLAYBOURN, Respondent

Sworn to and subscribed before me this 6th day of July, 2019.

SEAL



Christie A. Peters

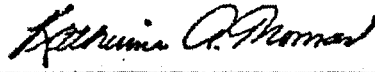
Notary Public in and for the State of Texas

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WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Confidential Agreed Order for Peer Assistance that was signed on the 8<sup>th</sup> day of July, 2019, by TERA NICOLE CLAYBOURN, Registered Nurse License Number 696826, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 11<sup>th</sup> day of July, 2019.



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

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