



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	§	AGREED
& Vocational Nurse License Number 176984	§	
issued to BILLIE DAWN CLARK	§	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.

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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.

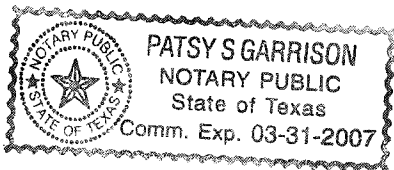
Signed this 26th day of February, 2007.

Billie D. Clark
BILLIE DAWN CLARK, Respondent

Sworn to and subscribed before me this 26th 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 26th 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 7th day of March, 2007.


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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

BILLIE D. CLARK

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

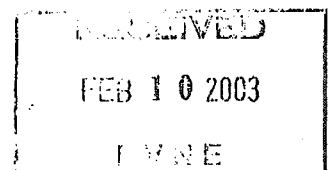
On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 176984 held by BILLIE D. CLARK, hereinafter called Respondent.

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

Bozota, Texas 75417
City, State and Zip

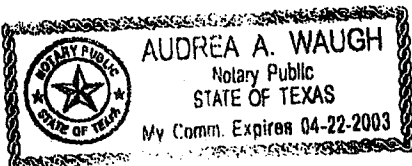
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Area Code and Telephone Number

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.

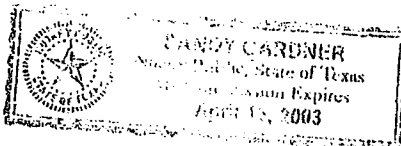
SWORN TO AND SUBSCRIBED before me on this the 3rd day of February, 2003.



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 27th day of February, 2003.

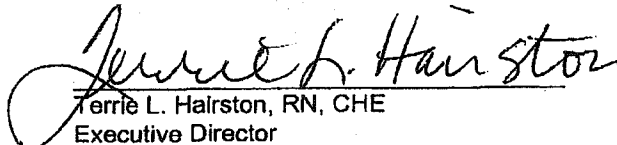


Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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 3RD day of February, 2003 by Respondent, license number 176984 and that
Said Order is Final.

Effective this 4th day of March, 2003


Terrie L. Hairston, 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 7TH 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

A handwritten signature in cursive script, reading "Terrie L. Hairston", is written over a horizontal line.

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