

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 136521
ISSUED TO
WALLACE EDWIN BARFIELD JR

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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.
Patricia A. Pappas
Executive Director of the Board

ORDER OF THE BOARD

TO: Wallace Edwin Barfield Jr
Star Route 3006
Coldsprings, Texas 77331

During open meeting held in Austin, Texas, on Tuesday June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

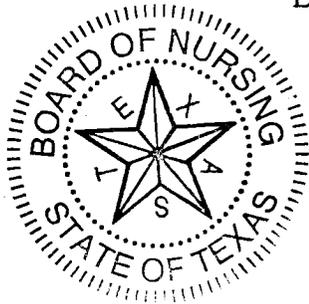
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 136521 previously issued to WALLACE EDWIN BARFIELD JR, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 14th day of June, 2011.



TEXAS BOARD OF NURSING

BY:

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 19, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Wallace Edwin Barfield Jr
Star Route 3006
Coldsprings, Texas 77331

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

April 19, 2011

Certified Mail No. 91 7108 2133 3939 3530 4644

Return Receipt Requested

Wallace Edwin Barfield Jr.
Star Route 3006
Coldsprings, Texas 77331

Dear Mr. Barfield:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Tamika Rose, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLE, ChFC Ablene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
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**In the Matter of Permanent License
Number 136521, Issued to
WALLACE EDWIN BARFIELD JR, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WALLACE EDWIN BARFIELD JR, is a Vocational Nurse holding license number 136521, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about June 8, 1984, Respondent entered a plea of Guilty to AGGRAVATED ROBBERY (a Felony offense committed on November 7, 1983), in the 208th District Court of Harris County, Texas, under Cause No. 392937. 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 ten (10) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT., ART. 4528c, sec 10(a)(9)(effective 9/1/1981), and is a violation of 22 TEX. ADMIN. CODE §231.81(6)(effective 9/1/1981).

CHARGE II.

On or about December 2, 1996, Respondent entered a plea of Guilty and was convicted of THEFT (a Class B Misdemeanor offense committed on November 19, 1996), in the County Court at Law No. 2 of Fort Bend County, Texas, under Cause No. 70,703. As a result of the conviction, Respondent was sentenced to confinement in the Fort Bend County Jail for a period of fourteen (14) days.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT., ART. 4528c, sec 10(a)(3)&(9)(effective 9/1/1995), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 11/1/1996).

CHARGE III.

On or about September 17, 1998, Respondent entered a plea of Guilty and was convicted of FAIL TO IDENTIFY FUGITIVE FROM JUSTICE (a Class B Misdemeanor offense committed on September 2, 1998), in the County Criminal Court at Law No. 3 of Harris County, Texas, under Cause No. 9835623. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of sixteen (16) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT., ART. 4528c, sec 10(a)(3)&(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 3/1/1998).

CHARGE IV.

On or about November 9, 2000, Respondent entered a plea of Guilty and was convicted of POSS MARIJ<2OZ (a Class B Misdemeanor offense committed on October 31, 2000), in the County Court at Law No. 1 of Montgomery County, Texas, under Cause No. 00-160911. As a result of the conviction, Respondent was sentenced to confinement in the Montgomery County Jail for a period of forty-five (45) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(effective 9/1/1999), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/1999).

CHARGE V.

On or about November 2, 2001, Respondent entered a plea of Guilty and was convicted of THEFT PROP >=\$20<\$200 BY CHECK (a Class B Misdemeanor offense committed on October 31, 2000), in the County Court at Law No. 13 of Harris County, Texas, under Cause No. 1068623. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of twenty-five (25) days with three (3) days credited and ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10)(effective 9/1/2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/2001).

CHARGE VI.

On or about February 15, 2002, Respondent entered a plea of Guilty and was convicted of THEFT PROP>=\$50<\$500 (a Class B Misdemeanor offense committed on February 13, 2002), in the County Criminal Court at Law No. 5 of Harris County, Texas, under Cause No. 1101182. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of forty-five (45) days and ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10)(effective 9/1/2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/2001).

CHARGE VII.

On or about May 16, 2002, Respondent entered a plea of Guilty and was convicted of POSS CS PG 1<1G (a State Jail Felony offense committed on May 14, 2002), in the 183rd District Court of Harris County, Texas, under Cause No. 912059. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Facility of the Texas Department of Criminal Justice for a period of one hundred eighty (180) days and ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10)(effective 9/1/2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(28)&(29)(A)(effective 9/1/2001). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE VIII.

On or about July 28, 2004, Respondent entered a plea of Guilty and was convicted of THEFT PROP >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on October 22, 2000), in the County Court at Law No. 1 of Montgomery County, Texas, under Cause No. 01-162339. As a result of the conviction, Respondent was sentenced to confinement in the Montgomery County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine, court costs and restitution.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10)(effective 2/1/2004), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE IX.

On or about February 27, 2006, Respondent entered a plea of Guilty and was convicted of POSSESSION OF COCAINE (a State Jail Felony offense committed on February 10, 2006), in the 299th Judicial District Court of Travis County, Texas, under Cause Number DC-06-200739. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of sixty (60) days. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33, and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other

Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 19th day of April, 2011.

TEXAS BOARD OF NURSING



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Board Certified - Administrative Law
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