

BEFORE 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.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 516389 §
issued to CLAYTON T. COLEMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CLAYTON T. COLEMAN, Registered Nurse License Number 516389, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. (effective September 1, 1993 and September 1997). Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 25, 2011, 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Southwestern Union College, Keene, Texas, on April 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1984.
5. Respondent's nursing employment history is unknown.

6. On or about July 14, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on November 16, 1993), in the County Criminal Court No. 10 of Tarrant County, Texas, under Cause No. 531666. As a result of the conviction, Respondent was sentenced to confinement in the Tarrant County Jail for a period of one hundred and twenty (120) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was discharged from probation April 30, 1995.
7. In response to Finding of Fact Number Six (6), Respondent states he was driving home from a sports bar after going to a party for college friends. He states he did not realize he was intoxicated until the arresting officer asked him to get out of the car and he felt himself sway. Respondent states he received one hundred and twenty (120) days in jail, probated to twenty-four (24) months. He states he was also required to pay a fine, attend DWI education, counseling and participate in a Victim Impact Panel. Respondent states he successfully completed his probation and was discharged without incident in April 1995.
8. On or about April 9, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense committed on December 8, 1997), in the County Criminal Court No. 7 of Dallas County, Texas, under Cause No. MA9712441. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of three hundred and sixty-five (365) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states the arresting officer found him asleep behind the wheel of his automobile at a convenience store parking lot. He states the vehicle was not moving and was legally parked. Respondent states he pled guilty to his second DWI conviction and he was sentenced to serve seven (7) days in the Dallas County jail, placed on probation for twenty-four (24) months, and ordered to perform community service. Additionally, he had to participate in a DWI repeat offender's program, participate in a Victim Impact Panel, and had mandatory installation of a deep lung device in any vehicle being used by him.
10. Respondent by his own admission failed to disclose that on or about July 14, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on November 16, 1993), in the County Criminal Court No. 10 of Tarrant County, Texas, under Cause No. 531666.
11. Respondent by his own admission failed to disclose that on or about April 9, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense committed on December 8, 1997),

in the County Criminal Court No. 7 of Dallas County, Texas, under Cause No. MA9712441.

12. In response to Findings of Fact Numbers Ten (10) and Eleven (11), Respondent he did not know the offense was a reportable incident for the purposes of his license renewal. He further states he knew the second conviction was reportable, but was embarrassed and worried about his license and career. He states he is aware that his lack of candor was unprofessional and wrong on his part.

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 violations of Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. (effective September 1, 1993 and September 1997).
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 516389, heretofore issued to CLAYTON T. COLEMAN, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board

has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

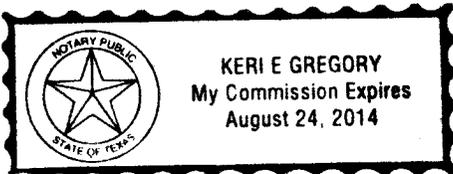
Signed this 30 day of March, 2011.

Clayton T. Coleman
CLAYTON T. COLEMAN, Respondent

Sworn to and subscribed before me this 30 day of March, 2011.

SEAL

Keri E Gregory
Notary Public in and for the State of Texas



Approved as to form and substance.

Phillip C. Gregory
PHILLIP C. GREGORY, Attorney for Respondent

Signed this 30 day of March, 2011.

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 30th day of March, 2011, by CLAYTON T. COLEMAN, Registered Nurse License Number 516389, and said Order is final.



Effective this 8th day of April, 2011.



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