

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.
Patricia P. Thomas
Executive Director of the Board

In the Matter of Registered Nurse License Number 695176 § AGREED
and Vocational Nurse License Number 123761 §
issued to KEITH DARNELL CLEAR § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Registered Nurse License Number 695176 and Vocational Nurse License Number 123761, issued to KEITH DARNELL CLEAR, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, 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. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from The Army Practical Nurse Course, Fort Sam Houston, Texas, on December 14, 1988, and received a Baccalaureate Degree in Nursing from University of Texas at El Paso, El Paso, Texas, on December 14, 2002. Respondent was licensed to practice vocational in the State of Texas on May 26, 1989 and Respondent was licensed to practice professional in the State of Texas on April 15,

2003.

5. Respondent's nursing employment history includes:

1/10/1993-11/20/1998	Clinical Instructor	El Paso Community College El Paso, Texas
2/14/2002-7/1/2005	Regional Quality Improvement Director	Outreach Health Service El Paso, Texas
7/25/2005-1/4/2007	Data Analyst IV Center for Army Studies	Anteon, Corporation San Antonio, Texas
1/4/2007-4/16/2008	Call Center Supervisor	Humana Mil Healthcare Serv San Antonio, Texas
4/28/2008-11/6/2009	OIF/OEF Data Analyst	STS Professionals San Antonio, Texas

6. On or about July 10, 2000, Respondent entered a plea of Guilty to ENDANGERING OF A CHILD A LESSER INCLUDED OFFENSE (a State Jail Felony offense committed on February 24, 1998), in the 243rd District Court of El Paso County, Texas, under Cause Number 980D05730. 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. Additionally, Respondent was ordered to pay a fine and court costs.

7. On or about November 2, 2003, Respondent submitted a Texas Online Renewal Document for Registered Nurse to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)"

Respondent failed to disclose that on or about July 10, 2000, Respondent entered a plea of Guilty to ENDANGERING OF A CHILD A LESSER INCLUDED OFFENSE (a State Jail Felony offense committed on February 24, 1998), in the 243rd District Court of El Paso County, Texas, under Cause Number 980D05730.

8. In response to Finding of Fact Number Six (6), Respondent states, "Under advisement of legal representation I have no statement at this time."

9. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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 Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(23)(effective 9/1999-1/2004).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 695176 and Vocational Nurse License Number 123761, heretofore issued to KEITH DARNELL CLEAR, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 695176 and Vocational Nurse License Number 123761, heretofore issued to KEITH DARNELL CLEAR, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing,

use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying himself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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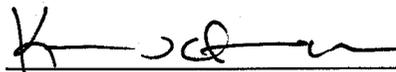
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

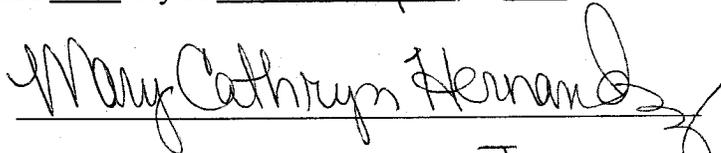
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 12 day of February, 2011.



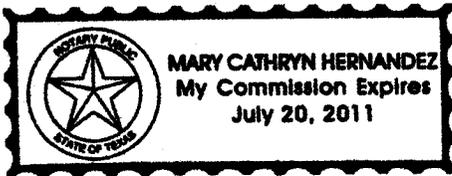
KEITH DARNELL CLEAR, Respondent

Sworn to and subscribed before me this 22nd day of February, 2011.



Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 695176 and Vocational Nurse License Number 123761, previously issued to KEITH DARNELL CLEAR.



Effective this 25th day of February, 20 11.

Katherine A. Thomas

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