BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 185999	§	
issued to JIMMY LEON MAYNOR	§	ORDER

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.
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Boa produced evidence indicating that JIMMY LEON MAYNOR, hereinafter referred to as Responde , Vocational License Number 185999, may have violated Section 302.402(a)(2)&(10), Texas Occupations Code {effective 9/1/2001}.

An informal conference was held on July 6, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Veronica Franco, Investigator; and Dominique Mackey, Investigator.

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, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Grayson County College, Denison, Texas, on September 30, 2002. Respondent was licensed to practice Vocational Nursing in the State of Texas on October 15, 2002.

5. Respondent's complete vocational nursing employment history includes:

08/2002 - Current	GVN/LVN Texoma Medical Center Denison, Texas
2004 - 2005	LVN PRN Dynamic Nurses Dallas, Texas
2005 - 2006	LVN PRN Wilson and Jones Sherman, Texas
2006 - 2007	LVN PRN Sher-Den Home Health Sherman, Texas

6. On or about March 23, 1978, Respondent entered a plea of Guilty and was convicted of ROBBERY (a felony offense committed on November 22, 1977), in the Criminal District Court No. 4 of Tarrant County, Texas, under Cause No. 11919-A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of seven (7) years; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of seven (7) years.

7. In response to Finding of Fact Number Six (6), Respondent states: I had gone to my grandmother's house the afternoon of November 22, 1977 with my girlfriend and another couple. During this visit, my Uncle Mike came by and showed us a new shotgun that he had just bought. He said he was going out to a friend's farm in Weatherford, Texas to shoot and just hang out for a while. He asked if we wanted to go and we all decided that we would. We were in my uncle's car and I was driving. My girlfriend and my uncle were in the front seat with me and the other couple was in the backseat. The shotgun was between my girlfriend and my uncle, barrel down in the floorboard with the breech open. To my knowledge, there was no ammunition in the car at all. What I did not know was that my uncle had had several run-ins with the River Oaks Police Department. We stopped at the Jack in the Box and ordered at the drive through. At no time did anyone touch the gun or make any comments that would make anyone think that we were attempting or wanting to

rob this establishment. I believe the young man at the window must have seen the shotgun and called the police. After an extended wait, the police pulled in and made us get out of the car. They placed us under arrest. After that, three people were released, which seemed odd to me. I told my attorney that I wanted to plead innocent because we did not do this. He told me that they wanted my uncle and if I plead innocent, I would go to prison. They offered probation and my attorney told me that it would be in my best interest to take this. In a letter written from my uncle, he also told me to take the deal. So at their advice, I did, and now I have lived with this lie ever since.

8. On or about June 12, 1985, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on March 16, 1985), in the County Court at Law of Collin County, Texas, under Cause No. 1-791-85. As a result of the conviction, Respondent was sentenced to confinement in the Collin County Jail for a period of sixty (60) days; however, the imposition of 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: On this evening, I was at my apartment for the night. I had had two drinks when I received a phone call from a friend telling me that he was at the club and had met this girl. He didn't want to leave and his brother had one too many. He asked would I come and get him and take him home. I said that I would. I do not believe that I was impaired. I picked him up and was almost to his apartment when he started getting sick and hanging out of the window. A policeman saw him throwing up out of the window and pulled me over. I explained what was going on and he and I laughed at the situation. He did ask if I had been drinking and I told him I had had two drinks. He asked how far I had to go to get home. I told him and he said "okay." Another police car then pulled in and the officer said, "that's my supervisor. I am going to have to arrest you," and he did. I went to court and was given two years probation, in which I paid two years of probation fees in advance and was released after those two years. Since I stopped drinking completely, approximately twenty years ago, I am sure that I will never find myself in this situation again.

10. On or about May 8, 2002, Respondent submitted an Application for Licensure by Examination for Licensed Vocational Nurses, in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the questions:

"Have you ever been convicted of a felony?" and "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that: on or about March 23, 1978, Respondent entered a plea of "Guilty" and was convicted of ROBBERY (a Felony offense committed on November 22, 1977), in the Criminal District Court No. 4 of Tarrant County, Texas, under Cause No. 11919-A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of seven (7) years; however, the imposition

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11. In response to Finding of Fact Number Ten (10), Respondent states: My reason for non-disclosure is two-fold. Number one being fear of the Texas Board of Nursing. In September of 2000, I was laid off from my job of fourteen years due to a reduction in workforce. I was devastated and was not sure in what direction I should go. My wife, who is an RN, suggested that I go to nursing school. I cashed in my 401-K and was able to attend school full time. When I was accepted into nursing school, I was ecstatic. It was not long before I was introduced to "The Board," and I noticed that nothing good was ever said about the Texas Board of Nursing. Everything I heard made it seem that the Board's purpose was to police nursing and snatch nursing licenses for any offense, and at every opportunity. I was afraid of the Texas Board of Nursing.

I struggled with what to do. If I answered "yes" and my application was denied, I would have wasted my life savings, two years of my life and still be unable to provide a living for my family. I knew I was taking a risk, and felt at that time, that it was my only choice.

Nursing is my passion. I could never have imagined the satisfaction that I receive from my work. I apologize for my non-disclosure and for creating this inconvenience for the Board.

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 302.402(a)(2)&(10), Texas Occupations Code {effective 9/1/2001}, and 22 TEX. ADMIN. CODE §239.11(8)&(29) {effective 9/1/2001}.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185999, heretofore issued to JIMMY LEON MAYNOR, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 185999, previously issued to JIMMY LEON MAYNOR, to practice nursing in Texas is hereby SUSPENDED for a period of one (1) year with the said suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to JIMMY LEON MAYNOR, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

(3) 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 <u>not</u> 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.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars ($1000.00). RESPONDENT SHALL pay this fine within ninety (90) 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.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of August, 2010.

Jimmy Leon Maynor

JIMMY LEON MAYNOR, Respondent

Sworn to and subscribed before me this 25th day of August, 2010.

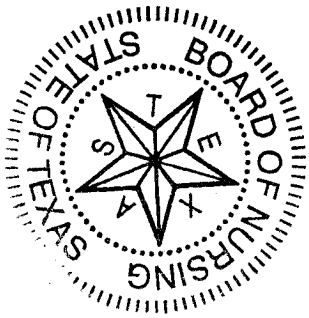
SEAL

NOTARY PUBLIC STATE OF TEXAS
TERESA JEAN CLEMENT
Notary Public
State of Texas
My Comm. Expires 11-03-2011

Teresa J. Clement

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the *25th* day of *August*, 20*10*, by JIMMY LEON MAYNOR, Vocational Nurse License Number 185999, and said Order is final.



Effective this *21st* day of *October*, 20*10*.

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