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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 562717 § AGREED
and Vocational Nurse License Number 107008 § ORDER
issued to CATHERINE MALIA GRAY §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CATHERINE MALIA GRAY, f.k.a CATHERINE MALIA GRAY RIDER, Registered Nurse License Number 562717 and Vocational Nurse License Number 107008, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 24, 2010, 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 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 in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Valley Baptist Hospital, Harlingen, Texas, on May 2, 1984, and an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 1, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984, and Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.

5. Respondent's nursing employment history is unknown.
6. On or about September 2, 1982, Respondent was arrested by the South Padre Island Police Department, South Padre Island, Texas for PUBLIC INTOXICATION (a misdemeanor offense) and DISORDERLY CONDUCT (a misdemeanor offense).
7. In response to Finding of Fact Number Six (6), Respondent states she was going to hitchhike home after a party and was walking to the Causeway. There was a guy who liked her who was following her making sure she got home alright. She got upset with him because she would not be able to get a ride with him following her. She states a police officer drove by and said if they were not off the road in ten (10) minutes, he would come back and arrest them. Respondent states the police officer returned and arrested them because they were not off the road. Respondent states her one night in jail was a wake up call, she said she reached a crossroad in her life and began the LVN program the following January.
8. On or about January 29, 2005, Respondent was arrested for ASSAULT (a Class C misdemeanor offense).

On or about February 2, 2005, Respondent entered a plea of No Contest to ASSAULT (a Class C misdemeanor offense), in the City of South Padre Island Municipal Court, Cameron County, Texas. 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 sixty (60) days. Additionally, Respondent was ordered to pay a fine.

9. On or about December 14, 2005, Respondent was arrested by the South Padre Island Police Department, South Padre Island, Texas and subsequently charged under Cause No. 06-CCR-2811C for HARASSMENT (a Class B misdemeanor offense). On or about February 6, 2008, Cause No. 06-CCR-2811-C was dismissed in County Court at Law No. 3 of Cameron County, Texas, for the reason: "State to Refile Pending Further Investigation."
10. Respondent states she married in April 2004 after a whirlwind romance to an English man she met on a cruise. She states by January 2005, her then husband was involved in an adulterous affair and was addicted to illegal drugs. Respondent states the night she found out about the affair is the day of the January arrest when she and her husband had a heated argument and the woman he was having an affair with called the police. She states her husband went to court to testify as to the circumstances of the incident and to admit he was in the wrong. Respondent states she reconciled with her husband, though she was aware of his drug problems and him stealing from her regularly, until she asked him to leave because she would no longer tolerate his drug use. Respondent states she now knows the reconciliation was an attempt on his part to get a green card. Respondent admits to making

numerous phone calls, but states her husband and the woman he was involved with had been taunting her day and night, both at home and work, and spreading vicious rumors and lies to people in town. Respondent states they filed a complaint against her before leaving the state and the police had no way to confirm the complaints. She states when she made those phone calls, it was not as a nurse, but as a wife who had been betrayed and had her name and reputation sullied by a drug abusing man and his enabler. Respondent states she has since divorced him and attended counseling for the emotional and physical abuse she suffered during that time.

11. On or about October 11, 2005, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about February 2, 2005, Respondent entered a plea of No Contest to ASSAULT (a Class C misdemeanor offense), in the City of South Padre Island Municipal Court, Cameron County, Texas. 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 sixty (60) days.

12. In response to Finding of Fact Number Eleven (11), Respondent states when she did her renewal, she skimmed over the information, and since she had not been convicted of anything, she thought she was okay. She states she has since re-read the eligibility questions and though it was a careless mistake on her part, it was not intentional.

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 (effective September 1, 2005), and ADMIN. CODE §217.12(6)(I).

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 562717 and Vocational Nurse License Number 107008, heretofore issued to CATHERINE MALIA GRAY, including revocation of Respondent's licenses 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 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 licenses are 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). RESPONDENT SHALL pay this fine within forty-five 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>.

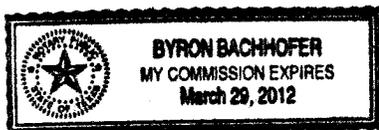
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licenses to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.



Signed this 14 day of August, 2010.

Catherine Malia Gray
CATHERINE MALIA GRAY, Respondent

Sworn to and subscribed before me this 14 day of August, 2010.

SEAL

Byron Bachhofer

Notary Public in and for the State of Texas

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 16th day of August, 2010, by CATHERINE MALIA GRAY, Registered Nurse License Number 562717 and Vocational Nurse License Number 107008, and said Order is final.



Effective this 26th day of August, 2010.

Katherine A. Thomas

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