

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 90167
ISSUED TO
WAYNE EDWARD BARKER

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



Patricia P. Thomas
Executive Director of the Board

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.

ORDER OF THE BOARD

TO: Wayne Edward Barker
7811 Larchridge
Dallas, Texas 75232

During open meeting held in Austin, Texas, on Tuesday May 11, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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.

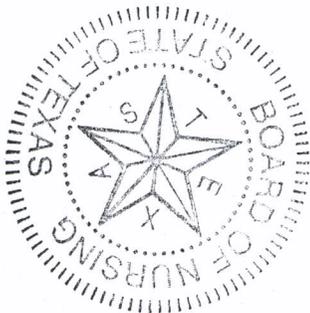
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. 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 § 213.2(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 90167, previously issued to WAYNE EDWARD BARKER, 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 11th day of May, 2010.



TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2010, 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):

Wayne Edward Barker
7811 Larchridge
Dallas, Texas 75232



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 90167, Issued to §
WAYNE EDWARD BARKER, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WAYNE EDWARD BARKER, is a Vocational Nurse holding license number 90167, 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 9, 1999, Respondent was arrested by the Allen Police Department, Allen, Texas, for AGGRAVATED KIDNAPING. On October 27, 2000, Respondent entered a plea of Guilty and was convicted of KIDNAPING (a lesser included Felony offense committed on June 9, 1999), in the 296th Judicial District of Collin County, Texas, under Cause Number 296-80759-99. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice, Institutional Division, for a period of five (5) years; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10) (effective 9/1/1999) Texas Occupation Code, and 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004).

CHARGE II.

On or about June 27, 2000, Respondent entered a plea of Nolo Contendere and was convicted of VIOLATION OF PROTECTIVE ORDER (a Class A Misdemeanor offense committed on March 20, 2000), in the County Criminal Court No. 11 of Dallas County, Texas, under Cause Number MA-00-70159-N. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of ninety (90) days. Additionally, Respondent was ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004).

CHARGE III.

On or about March 20, 2000, Respondent was arrested by the Dallas Police Department, Dallas, Texas for ARSON. On or about June 21, 2000, Respondent entered a plea of No Contest and was convicted of CRIMINAL MISCHIEF (a lesser included State Jail Felony offense committed on December 4, 1999), in the 203rd District Court, Dallas County, Texas, under Cause Number F00-00062. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County State Jail for a period of one hundred and eighty (180) 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)(3)&(10), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004).

CHARGE IV.

On or about August 2, 2002, Respondent entered a plea of Nolo Contendere and was convicted of VIOLATION OF PROTECTIVE ORDER(a Class A Misdemeanor offense committed on November 2, 2001), in the County Criminal Court No. 10 of Dallas County, Texas, under Cause Number MO1783858. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of three hundred and sixty (360) 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), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004).

CHARGE V.

On or about August 2, 2002, Respondent entered a plea of Nolo Contendere and was convicted of VIOLATION OF PROTECTIVE ORDER(a Class A Misdemeanor offense committed on November 2, 2001), in the County Criminal Court No. 10 of Dallas County, Texas, under Cause Number MO1783859. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of three hundred and sixty (360) 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), Texas Occupations Code (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004).

CHARGE VI.

On or about September 10, 2003, Respondent entered a plea of Not Guilty and was convicted of ARSON (a 2nd Degree Felony offense committed on February 10, 2003), in the 291st judicial

District Court, Dallas, County, Texas, under Cause Number F-0371399-KU. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of eighteen (18) years. 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)(3)&(10), Texas Occupations Code (effective 9/1/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(effective through 1/31/2004). Moreover, the above offense mandates revocation of Respondent's license to practice Nursing in accordance with Chapter 53.021 of the Texas Occupation Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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 § 301.461, TEX. OCC. CODE ANN. 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).

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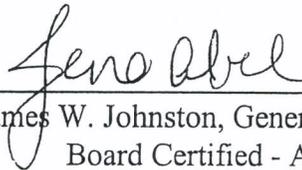
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct.

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 3rd day of March, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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