BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 577939	§	
issued to ANDREW TERREL MAYES	§	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

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of ANDREW TERREL MAYES, Registered Nurse License Number 577939, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525 (a)(2)&(9) TEX. REV. CIV. STAT. ANN. (effective September 1, 1991), and Section 301.452(b)(10), Texas Occupations Code (effective September 1, 2001). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 1, 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.

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.

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Tyler, Tyler, Texas, on December 13, 1991. Respondent was licensed to practice professional nursing in the State of Texas on March 17, 1992.

5. Respondent's nursing employment history is unknown.

6. On or about June 5, 1988, Respondent was arrested by the Tyler Police Department, Tyler, Texas, for DRIVING UNDER THE INFLUENCE OF LIQUOR (a misdemeanor offense).

On or about July 15, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING AND OPERATING A MOTOR VEHICLE IN A PUBLIC PLACE IN SMITH COUNTY, TEXAS, WHILE INTOXICATED (a misdemeanor offense committed June 5, 1988), in the County Court at Law of Smith County, Texas, under Cause No. 78,445. As a result of the plea, Respondent was sentenced to confinement in the Smith County Jail, Tyler, Texas, for a period of one (1) year; however, the imposition of sentence of confinement was suspended and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was discharged from probation on July 25, 1989.

7. On or about December 11, 1991, Respondent submitted a Registration by Examination for Professional Nurses to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose that on or about June 5, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING AND OPERATING A MOTOR VEHICLE IN A PUBLIC PLACE IN SMITH COUNTY, TEXAS, WHILE INTOXICATED in Smith County, Texas, under Cause No. 78,495.

8. In response to Finding of Fact Number Seven (7), Respondent states that he has a lot of regrets about this incident, but at no time did he knowingly fail to disclose this incident to any nursing program, the BNE, or any other organization when prompted.

9. On or about January 28, 1996, Respondent was arrested by the Houston Police Department, Houston, Texas, and subsequently charged under Cause No. 9604335 for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense) and Cause No. 961222 DRIVING WHILE INTOXICATED - 2ND (a Class A misdemeanor offense). On or about March 27, 1996, Cause No. 9604335 and Cause No. 961222, were dismissed in the County Criminal Court No. 3 of Harris County, Texas.

10. On or about October 17, 2002, Respondent was arrested by the Shreveport Police Department, Shreveport, Louisiana, for OPERATING A VEHICLE WHILE INTOXICATED (a Class C misdemeanor offense).

On or about April 8, 2003, Respondent entered a plea of Guilty and was convicted of the amended charge of RECKLESS OPERATION (a misdemeanor offense committed October 17, 2002), in the Shreveport City Court, Shreveport, Louisiana, under Cause No. C01067060. As a result of the conviction, Respondent was placed on probation. The

conviction was set aside and the prosecution was dismissed after Respondent successfully completed his probation.

11. In response to Finding of Fact Number Eleven (11), Respondent states he was returning from an Arkansas hunting trip and traveling to Texas when this occurred. Fatigue and the lateness of the hour contributed to this offense.

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 violation of Article 4525 (a)(2)&(9) TEX. REV. CIV. STAT. ANN. (effective September 1, 1991), Section 301.452(b)(10), Texas Occupations Code (effective September 1, 2001), and 22 TEX. ADMIN. CODE §217.12(23) (effective through September 28, 2004).

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 577939, heretofore issued to ANDREW TERREL MAYES, including revocation of Respondent's license to practice professional 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 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 deliver the wallet-sized license issued to ANDREW TERREL MAYES to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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.

(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.*

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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of July, 2010.

ANDREW TERREL MAYES, Respondent

Sworn to and subscribed before me this 29 day of July, 2010.

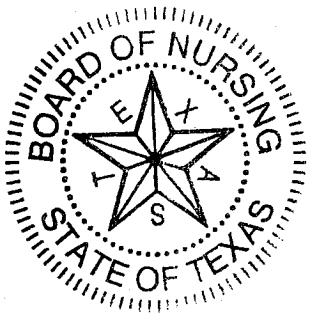
SEAL

Rachael Langford

Notary Public in and for the State of Texas

RACHAEL RENE LANGFORD
Notary Public State of Texas
COMM. EXP. 5-11-2013

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 29th day of July, 2010, by ANDREW TERREL MAYES, Registered License Number 577939, and said Order is final.



Effective this 16th day of August, 2010.

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