

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 180644	§	COMMITTEE OF THE BOARD
ISSUED TO	§	OF NURSE EXAMINERS OF THE
CLAUDE HARLAND GILCREASE	§	STATE OF TEXAS

**ORDER OF THE BOARD**

TO: Claude Harland Gilcrease  
165 Broward  
Marion, TX 78124

During open meeting held in Austin, Texas, on June 13, 2006, 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 file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

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 to set aside the default order (22 TEX. ADMIN.CODE § 213.16(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 180644, previously issued to CLAUDE HARLAND GILCREASE, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 180644, previously issued to CLAUDE HARLAND GILCREASE, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 13<sup>th</sup> day of June, 2006.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY:



KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

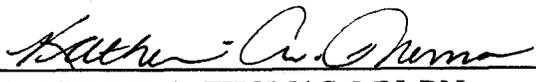
Re: Permanent Certificate Number 180644  
Issued to CLAUDE HARLAND GILCREASE  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of June, 2006, 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):

Claude Harland Gilcrease  
165 Broward  
Marion, TX 78124

BY:

  
\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License  
Number 180644, Issued to  
CLAUDE HARLAND GILCREASE, Respondent**

§  
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§

**BEFORE THE BOARD OF  
NURSE EXAMINERS FOR  
THE STATE OF TEXAS**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CLAUDE HARLAND GILCREASE, is a Vocational Nurse holding license number 180644, which is in current 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 August 9, 2001, Respondent was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the County Court at Law Number CC5, Bexar County, Texas. Respondent was placed on six (6) months probation, and ordered to pay a fine in the amount of three hundred (\$300) dollars. On March 25, 2002, Respondent's probation ordered on August 9, 2001, was revoked. Respondent was ordered to serve four (4) months confinement in the Bexar County Adult Detention Center, with sentence credited from time spent in jail. Court documents indicate that Respondent was confined in jail from August 30, 2001, through February 18, 2002.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

#### **CHARGE II.**

On or about February 2002, Respondent submitted an application for employment at Salado Creek Nursing and Rehabilitation, San Antonio, Texas, in which he answered "no" to the following question, "Have you ever been convicted by any court of a criminal offense?" On August 9, 2001, Respondent was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the County Court at Law Number CC5, Bexar County, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8).

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### **CHARGE III.**

On or about February 2002, Respondent submitted an application for employment at Salado Creek Nursing and Rehabilitation, San Antonio, Texas, in which he indicated that he had not been employed in the last six (6) months due to caring for a terminally ill family member. On March 25, 2002, Respondent's probation ordered on August 9, 2001, was revoked. Respondent was ordered to serve four (4) months confinement in the Bexar County Adult Detention Center, with sentence credited from time spent in jail. Court documents indicate that Respondent was confined in jail from August 30, 2001, through February 18, 2002.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8).

### **CHARGE IV.**

On or about March 23, 2004, while employed at Salado Creek Nursing and Rehabilitation, San Antonio, Texas, Respondent testified under oath that prior to applying for employment with Salado Creek Nursing and Rehabilitation, Respondent was caring for his mother in California for six (6) months. Respondent's probation ordered on August 9, 2001, was revoked. Respondent was ordered to serve four (4) months confinement in the Bexar County Adult Detention Center, with sentence credited from time spent in jail. Court documents indicate that Respondent was confined in jail from August 30, 2001, through February 18, 2002.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8).

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).

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.bne.state.tx.us](http://www.bne.state.tx.us).

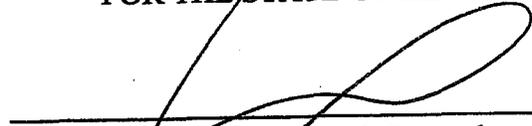
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency Lying and Falsification Fraud, and Theft & Deception which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 12 day of April, 2006.

**BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS**

  
\_\_\_\_\_  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Victoria Cox, Assistant General Counsel  
State Bar No. 0079585

E. Joy Sparks, Assistant General Counsel  
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FOR THE STATE OF TEXAS**

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