



TEXAS MEDICAL BOARD

**REMEDIAL PLAN**  
**ERNIE CLEMENTS, RCP**  
**LICENSE NO. RCP-00077665**

On the 10 day of June, 2016, this matter came on to be heard before the Texas Medical Board (Board). On May 4, 2016, Respondent failed to appear at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. This Remedial Plan was offered by Frank Denton, a member of the Board, and Robert Hootkins, M.D., a member of a District Review Committee (Panel). Claudia Kirk represented Board Staff. Respondent was not represented.

**FINDINGS**

Respondent committed unethical conduct when he failed to report for duty on two occasions, in July 2015, after agreeing to cover for other respiratory care therapists.

Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

**BOARD HISTORY**

Respondent has no prior Order or Remedial Plan with the Board.

**MITIGATING FACTOR**

Respondent cooperated in the investigation of the allegations that resulted in this Remedial Plan.

## CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent pursuant to Respiratory Care Practitioners, Title 3, Subtitle K, Texas Occupations Code (Act).
2. Section 604.201(b)(9) of the Act and 25 TAC 140.212(I) authorize the Board to take action against Respondent.
3. Section 604.211(f) of the Act authorizes the Board to resolve this matter with a Remedial Plan.

## REMEDIAL PLAN TERMS

Based on the above, Respondent shall:

1. Within one year from the date of the entry of this Remedial Plan, Respondent shall enroll in and successfully complete at least eight hours of continuing education (CE), divided into the following subjects: four hours in the topic of ethics and four hours in the topic of risk management. The CE shall be approved for credits by the American Association for Respiratory Care (AARC) and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CE requirements set forth in this paragraph shall be in addition to all other CE required for licensure maintenance.
2. The cost of administering the Remedial Plan will be \$500 per year. Payment of this cost is due no later than 60 days after the date of entry of this Remedial Plan. The cost shall be paid by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.
3. The terms of this Remedial Plan are not subject to modification or early termination.

4. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

5. Respondent shall fully cooperate with the Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Remedial Plan.

6. Any violation of the terms, conditions, or requirements of this Remedial Plan by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

7. This Remedial Plan shall automatically terminate upon Respondent's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Respondent successfully completed the requirements set forth in the Remedial Plan Terms Paragraph Nos. 1 and 2.

**THIS REMEDIAL PLAN IS A PUBLIC RECORD.**

**THIS REMEDIAL PLAN IS NON-DISCIPLINARY.**

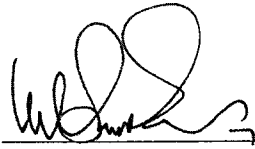
**[SIGNATURE PAGES FOLLOW]**

I, ERNIE CLEMENTS, RCP, HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

  
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ERNIE CLEMENTS, RCP  
Respondent

6/7/16  
\_\_\_\_\_  
DATE

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
10 day of June, 2016.



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Michael Arambula, M.D., Pharm.D., President  
Texas Medical Board