

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 219410
ISSUED TO
JAMES NICOLAS MALDONADO

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia R. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: James Nicolas Maldonado
PO Box 1191
Crockett, Texas 75835

During open meeting held in Austin, Texas, on Tuesday, June 12, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 § 213.16(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 219410, previously issued to JAMES NICOLAS MALDONADO, 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 12th day of June, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed April 2, 2012.

In the Matter of Permanent License § BEFORE THE TEXAS
Number 219410, Issued to §
JAMES NICOLAS MALDONADO, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAMES NICOLAS MALDONADO, is a Vocational Nurse holding license number 219410, 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 or about December 11, 2011, while employed with East Texas Medical Center-Crockett, Crockett, Texas, Respondent failed to assess and/or document assessment, including vital signs at 0800 and 1200, in the medical record of Patient Medical Record Number 04-35-44. At 0700, Respondent documented the patient's heart rate as "irregular" with no further documentation of subsequent vital signs. Respondent's conduct resulted in an inaccurate, incomplete medical record and was likely to deceive subsequent care givers who would rely on his documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

CHARGE II.

On or about December 11, 2011, while employed with East Texas Medical Center-Crockett, Crockett, Texas, Respondent failed to administer two (2) capsules of 50 mg Nitrofurantoin, an antibiotic used in the treatment of urinary tract infections, at 0900, to Patient Medical Record Number 04-35-44, as ordered by the physician, and then falsely documented the administration of the medication in the patient's Medication Administration Record (MAR). Furthermore, Respondent documented an accucheck reading of 147; however, an audit of the summary of the accucheck machine indicated that an accucheck was not performed. Respondent's conduct resulted in an inaccurate, incomplete medical record which was likely to deceive subsequent care givers who relied on the information while providing care to the patient; and was likely to injure the patient in that failure to administer the medication and treatments as ordered by the physician could have resulted in nonefficacious treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(C),(1)(D)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4)&(6)(A).

CHARGE III.

On or about December 11, 2011, while employed with East Texas Medical Center-Crockett, Crockett, Texas, Respondent left his nursing assignment several times during his shift without notifying appropriate staff. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in the patients not receiving the care that they needed.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(I),(1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4)&(12).

CHARGE IV.

On or about February 1, 2012, Respondent engaged in the intemperate use of alcohol in that after leaving the scene of an accident, Respondent was arrested by Crockett Police Department and charged with DRIVING WHILE INTOXICATED WITH AN OPEN CONTAINER and ACCIDENT INVOLVING DAMAGE GREATER THAN OR EQUAL TO \$200. Blood samples obtained during the arrest for alcohol and drug screens were sent to the Texas Department of Safety Crime Lab and the alcohol level was positive at 0.228 grams of alcohol per 100 milliliters of blood. The use of alcohol by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 2 day of April, 2012.

TEXAS BOARD OF NURSING



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TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
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Re: Permanent Certificate Number 219410
Issued to James Nicolas Maldonado
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2012, 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):

James Nicolas Maldonado
PO Box 1191
Crockett, Texas 75835

BY:



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