

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § AGREED  
License Number 157630 §  
issued to PEDRO D. ARGUELLO JR. § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PEDRO D. ARGUELLO JR., Vocational Nurse License Number 157630, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 15, 2011, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on December 14, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on June 12, 1996.
5. Respondent's nursing employment history includes:

August 1996 - Present	San Antonio State Hospital San Antonio, Texas
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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.  
*Katherine A. Thomas*  
Executive Director of the Board

6. On or about October 5, 1983, Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA UNDER TWO OUNCES , a Misdemeanor offense committed on October 5, 1983, in the County Court at Law No. 3 of Bexar County, Texas, under Cause No. 309818. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months, and was ordered to pay a fine and court costs. On or about May 9, 1984, Respondent was discharged from probation.
7. In response to Finding of Fact Number Six (6), Respondent states: he was in a car with some friends when they were pulled over by law enforcement. There was marijuana in the car. Everyone in the car was arrested and charged for possession. Respondent admits it was not responsible being with friends who were in possession of marijuana.
8. On or about August 27, 1984, Respondent entered a plea of Guilty and was convicted of DRIVING WILE INTOXICATED, a misdemeanor offense committed on July 7, 1984, in the County Court at Law No. 6 of Bexar County, Texas, under Cause No. 325790. As a result of the conviction, Respondent was placed on probation for a period of two (2) years, and was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states: he admits that he was pulled over after drinking at a friend's house. Respondent admits it was foolish and irresponsible to drive after consuming alcohol.
10. On or about July 7, 1989, Respondent entered a plea to THEFT \$20-\$200 SHOPLIFTING a Misdemeanor offense committed on June 16, 1989, in the County Court at Law No. 6 of Bexar County, Texas, under Cause No. 437242. As a result of the plea, proceedings against the Respondent were deferred without entering adjudication of guilt and Respondent was placed on probation for a period of six (6) months, and was ordered to pay a fine and court costs. On or about April 18, 1990, Respondent was discharged from probation.
11. In response to Finding of Fact Number Ten (10), Respondent states: he was homeless and jobless. He admits he stole food from a store to have something to eat.
12. On or about September 13, 1993, Respondent was convicted of DRIVING WHILE LICENSE SUSPENDED a Misdemeanor offense committed on May 29, 1993, in the County Court at Law No. 2 of Bexar County, Texas, under Cause No. 550877. As a result of the conviction, Respondent was placed on probation for a period of six (6) months, and was ordered to pay a fine and court cost. On or about January 26, 1994, Respondent was discharged from probation.
13. In response to Finding of Fact Number Twelve (12), Respondent states: he was driving his niece to school when he was pulled over and arrested for driving with a suspended license.

14. On or about December 4, 1998, Respondent entered a plea of Guilty to INDECENT EXPOSURE, a Class B Misdemeanor offense committed on September 1, 1998, in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 704070. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months, and was ordered to pay a fine and court cost. On or about June 9, 1999, Respondent was discharged from probation.
15. In response to Finding of Fact Number Fourteen (14), Respondent states: an undercover officer approached Respondent and solicited sexual conduct, which Respondent agreed to; upon his agreement, the officer arrested him. Respondent is deeply embarrassed and ashamed by this situation.
16. On or about June 22, 2004, Respondent entered a plea to DISORDERLY CONDUCT-LANGUAGE, a Class C Misdemeanor offense committed on July 24, 2003, in the County Court at Law No. 8 of Bexar County, Texas, under Cause No. 857675. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of nine (9) days. Additionally, Respondent was ordered to pay a fine and court cost. On or about June 28, 2004, Respondent was discharged from probation.
17. In response to Finding of Fact Number Sixteen (16), Respondent states: a police officer pulled Respondent over for a traffic stop. Respondent consented to a search of his car and the police officer allegedly found traces of marijuana. Respondent denied having any contact with marijuana for several years. He explained to the officer if it was marijuana that it was likely a friend's who recently borrowed the car. The officer nevertheless arrested Respondent and charged him with disorderly conduct.
18. On or about October 26, 2005, Respondent submitted a Texas Online Renewal Document Vocational Nurse 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 been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence imposed, including any pending criminal charges or unresolved arrest ( excluding minor traffic violation) since the last renewal? This includes expunged offenses and deferred adjudication with or without prejudice quilt. Please note that DUI's, DWI's must be reported and are not considered minor traffic violations. (One time minor in possession {MIP} or minor consumption {MIC} do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's. you must answer "Yes".)"

Respondent failed to disclosed that on or about June 22, 2004, Respondent entered a plea to DISORDERLY CONDUCT-LANGUAGE, a Class C Misdemeanor offense committed on

July 24, 2003, in the County Court at Law No. 8 of Bexar County, Texas, under Cause No. 857675. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt.

19. In response to Finding of Fact Number Eighteen (18), Respondent states: he incorrectly believed the facts as stated in paragraph seventeen were successfully resolved; thus, not obligated to inform the Board. Respondent has previously provided information related to past arrests and pleas.
20. On or about August 17, 2006, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 2ND a Class A Misdemeanor offense committed on December 4, 2005, in the County Court at Law No. 5 of Bexar County, Texas, under Cause Number 947268. As a result of the conviction, Respondent was placed on probation for one (1) year, and was ordered to pay a fine and court cost. On or about August 22, 2007, Respondent was discharged from probation.
21. In response to Finding of Fact Number twenty (20), Respondent states: he was at a party at a house. There was an altercation between two of the party goers and he believed it was going to end up in a fight. Therefore, he decided to leave the party. He was in his car with the engine on, but he was not moving. Someone called the police about the fight, and Respondent was arrested because he was sitting in his car with the engine on, which is technically driving while intoxicated.
22. The Board directed Respondent to undergo a forensic psychological evaluation to include a chemical dependency component. Respondent elected to see Board approved psychologist Dr. John K. Reid. Dr. Reid concluded that despite his criminal record, "...the psychological testing evaluation administered here does not provide sufficient evidence to state that any suspected impairment prevents him from practicing nursing with reasonable skill and safety to patients."

#### 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 violations of Section 301.452(b)(2)&(10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 157630,

heretofore issued to PEDRO D. ARGUELLO JR. including revocation of Respondent's license(s) to practice 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 a WARNING WITH STIPULATIONS AND 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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(s) is/are 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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 not 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>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). 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.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the remainder of the stipulation, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol,



Dalgin, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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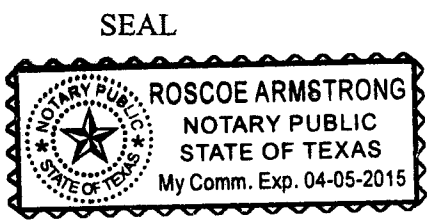
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of February, 2012.  
[Signature]  
PEDRO D. ARGUELLO JR., Respondent

Sworn to and subscribed before me this 16 day of February, 2012.



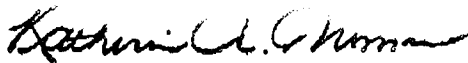
[Signature]  
Notary Public in and for the State of TX

Approved as to form and substance.  
[Signature]  
Jon E. Porter, J.D., Attorney for Respondent

Signed this 21 day of February, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of February, 2012, by PEDRO D. ARGUELLO JR., Vocational Nurse License Number 157630, and said Order is final.

Effective this 20th day of March, 2012.



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