



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

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 165955
ISSUED TO
MARIA ERNESTINA SOSA

§ BEFORE THE TEXAS
§
§
§
§ BOARD OF NURSING

NUNC PRO TUNC ORDER OF THE BOARD

TO: Maria Ernestina Sosa
PO Box 676
San Juan, TX 78589

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Order of the Board containing a typographical error was ratified and entered for Maria Ernestina Sosa. The complete effective date of the Order was omitted by mistake from the last page of the Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein invalidates the Order of the Board that was ratified and entered on September 17, 2012, by the Board, for Maria Ernestina Sosa, and submits and enters the corrected Order of the Board, which contains the complete effective date of the Order. Respondent received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective September 17, 2012.

Entered this 4th day of October, 2012.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Vocational Nurse License Number 165955 §
issued to MARIA ERNESTINA SOSA §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of, Vocational Nurse License Number 165955, issued to MARIA ERNESTINA SOSA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Galen Health Institute, San Antonio, Texas, on October 30, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1997.
4. Respondent's nursing employment history is unknown.
5. The Texas Board of Nursing notified Respondent of the following Findings of Fact in a proposed Agreed Order that was mailed to Respondent on July 20, 2012:

- A. On or about August 14, 2002, Respondent submitted a License Renewal Form to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose that on or about June 21, 2002, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, in the County Court at Law No 4 of Hidalgo County, Texas, under Cause No. CR202258D.

- B. On or about August 18, 2009, Respondent pled Guilty to ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED, in the District Court of the Twentieth Judicial District of Carter County, Oklahoma, under Cause No. CM-09-00676. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.

- C. On or about August 22, 2010, Respondent submitted an Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about August 18, 2009, Respondent pled Guilty to ACTUAL PHYSICAL CONTROL OF VEHICLE WHILE INTOXICATED, in the District Court of the Twentieth Judicial District of Carter County, Oklahoma, under Cause No. CM-09-00676. As a result of the plea, the

proceedings against Respondent were deferred without entering an adjudication of guilt.

- D. In response to A and B above, Respondent states that, on July 27, 2009, she stopped at a gasoline station in Admore, Oklahoma, and she was assaulted by a teenager, and hit on the head. Another teenager tripped her and got a hold of her wallet. Respondent went into the store after they ran, and asked the attendant to call the cops. While the attendant was calling the cops, Respondent went into the restroom to dress her head. The ambulance arrived and wanted her to go to the hospital. Respondent did not have insurance and felt her head was okay, so she refused the ambulance. The ambulance personnel got upset and asked the police to tell her to get into the ambulance. The officer said if she did not get into the ambulance, he was going to arrest her. The officer did arrest her. Respondent's attorney suggested that she plead guilty to Actual Physical Control Vehicle. He stated this was not going to be on her driving record.
- E. In response to C above, Respondent states her lawyer informed her that this incident was not going to be placed on her record. Therefore, she did not think of mentioning it.
- F. Troy Martinez, Psy. D., of Corpus Christi, Texas, performed a Chemical Dependency Evaluation on Respondent on March 30, 2012. Respondent reported a history of criminal arrests, two of which resulted in DWI convictions-one conviction on June 21, 2002, and another on August 18, 2009. Psychological testing performed during the evaluation failed to clearly identify substance dependence or other forms of significant psycho pathology. However, based on historical information, alcohol misuse appears to be associated with Respondent's problems with relationships, causing stress and dysphoria. Dr. Martinez believes Respondent has intermittently relied on alcohol in self-defeating ways for the past several years, some of which resulted in criminal arrests. Dr. Martinez recommends that Respondent completely abstain from alcohol and any other substance of potential abuse. He recommends she be referred to TPAPN, participate in community-based AA meetings, undergo random urinalysis and participate in individual counseling to address stress management, including the role of alcohol abuse and romantic relationships in her stress and substance abuse cycles.
6. On August 6, 2012, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement is attached and incorporated by reference as part of this Order.
7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

8. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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(s) of 22 TEX. ADMIN. CODE §239.11(8)&(29)(effective 9/99-1/31/04), and 22 TEX. ADMIN. CODE §217.12(6)(I)(effective 9/28/04).
4. The evidence received is sufficient cause pursuant to Section 302.402(a)(2)&(10), Texas Occupations Code (effective 9/99-1/31/04), Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against, Vocational Nurse License Number 165955, heretofore issued to MARIA ERNESTINA SOSA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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August 6, 2012

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance ~~to avoid further disciplinary~~ action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 _____ day of _____, 20____.

MARIA ERNESTINA SOSA, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

8/6/12
August 6, 2012

I MARIA ERNESTINA SOSA Choose not to sign this letter. I have Decided to Surrender my

Nursing lic. 165955-Valuntarily. At this point I can not take any more Neg. Stress in my life.

In Christ
Maria Ernestina Sosa

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 165955, heretofore issued to MARIA ERNESTINA SOSA, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 17th day of September, 2012.

TEXAS BOARD OF NURSING



By:

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

- A. On or about August 14, 2002, Respondent submitted a License Renewal Form to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

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7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

8. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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(s) of 22 TEX. ADMIN. CODE §239.11(8)&(29)(effective 9/99-1/31/04), and 22 TEX. ADMIN. CODE §217.12(6)(I)(effective 9/28/04).
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August 6, 2012

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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance ~~in order to avoid further disciplinary~~ action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 ____ day of _____, 20__.

MARIA ERNESTINA SOSA, Respondent

Sworn to and subscribed before me this ____ day of _____, 20__.

SEAL

Notary Public in and for the State of _____

8/6/12
Aug 06 2012

I MARIA ERNESTINA SOSA Choose not to sign this letter. I have Decided to Surrender my Nursing lic. 165955- voluntarily. At this point I can not take any more Neg. Stress in my life.

In Christ
Ora Sosa LON.

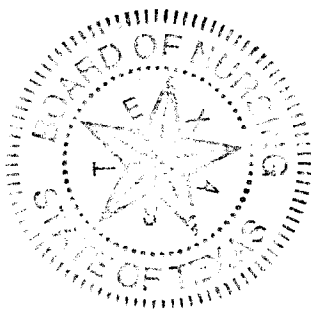
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 165955, heretofore issued to MARIA ERNESTINA SOSA, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 17th day of , 2012.



TEXAS BOARD OF NURSING

By:

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