

BEFORE 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.
William C. Thomas
Executive Director of the Board

In the Matter of Registered Nurse
License Number 561571
issued to PEDRO RAMOS

§
§
§

REINSTATEMENT
AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 561571, hereby filed by PEDRO RAMOS, hereinafter referred to as Petitioner.

An informal conference was held on June 23, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Nursing from the State of Wisconsin on May 1, 1988. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 20, 1990.

4. Petitioner's professional nursing employment history includes:

1990	Staff Nurse	Texas Children's Hospital Houston, Texas
1190 - 1991	DON	Benner Convalescent Center Houston, Texas
1991 - 1992	DON	Highland Park Care Center Houston, Texas
1992 - 1994	Staff Nurse	Park Plaza Hospital Houston, Texas
1992 - 1994	House Supervisor	TIRR Houston, Texas
1994 - 2000	DON	Doctors Hospital Houston, Texas
1999 - 2000	Staff Nurse	Hacienda Home Health Services Houston, Texas
2000 - 2002	Agency Nurse	Staff Search Houston, Texas
2000 - 2007	Staff Nurse	Berry Health Care Services Houston, Texas
2005 - 2007	Agency Nurse	Ace Medical Staffing Houston, Texas
2008 - present	Not employed in nursing	

5. On February 13, 2007, Petitioner's license to practice professional was Revoked by the Board of Nurse Examiners for the State of Texas. A copy of the February 13, 2007, Order of the Board and Formal Charges is attached and incorporated, by reference, as a part of this Order.
6. On or about February 13, 2009, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

- 7.1. Certificate of completion, presented to Petitioner on August 26, 2007, for completing the treatment program at Cheyenne Center.
- 7.2. Letter, dated October 30, 2008, from Nancy B. Rubio, MD, Department of Veterans Affairs, Houston, Texas, states she evaluated Petitioner on October 20, 2008, and finds him to be stable psychiatrically without use of psychotropic medications. He has been able to sustain stable employment at Principle Management since December 26, 2008. He has documentation from treatment centers to support his sobriety. He also has documentation to demonstrate May 24, 2007, as his sobriety date. He attends 12 step-recovery meetings regularly and has agreed to make monthly visits for the next year to monitor his progress.
- 7.3. Letter, dated September 26, 2008, from Cathy Crouch, LCSW, SEARCH, Houston, Texas, states she is writing to confirm his residence in SEARCH's Challenge Transitional Housing Program. This program is designed for males who are homeless and dually diagnosed. While in the program, residents are required to participate in case management, relapse prevention groups, AA/NA, mental health counseling, and community meetings. Petitioner was enrolled in this program from August 27, 2007, through October 30, 2007.
- 7.4. Letter of support from Patty Peterson states she has had the opportunity to sit with Petitioner in meetings of AA. He expresses his feelings of life experiences and inner feelings of growth with the Twelve Steps. His feelings of inner peace and serenity suggest he is able to provide safe and compassionate nursing practices. He has contributed substantially to the meetings he attends. Ms. Peterson recently had the opportunity as chairman of the Sunset Group to give Petitioner is one year sobriety chip on May 28, 2008.
- 7.5. Letter of support from Dixie Gonzales, Pasadena, Texas, states Petitioner stayed with her between the latter part of October 2007, through April 2008. He maintained his sobriety and recovery from alcohol by not consuming alcohol, following the 12 steps of Alcoholics Anonymous, and reading the "Big Book." He was observed by Ms. Gonzales on a daily basis. He did have a reaction to the medication Celexa that was prescribed to him for the mis-diagnosis of Bipolar Disorder. After the medication left his system, he was able to function well enough to get employment on December 26, 2007, with Standard Principle Group, Inc. Since then he has continued to grow spiritually with his 12 step program. Petitioner obtained his own apartment in April 2008, and has maintained this very well. He attends AA meetings religiously, with good results. His ability to think and function safely in nursing is obviously excellent, as he has reviewed all CEU courses and can explain them very well.

- 7.6. Letter of support, dated July 21, 2008, from Dawn Pentico Office Manager, Standard Principle, Pasadena, Texas, states Petitioner has been employed with the company from December 26, 1007, until present. He has demonstrated excellent attendance and working skills by communicating well with clients and performing work tasks which require articulate, cognitive and judgment skills. Petitioner has discussed and maintained his sobriety and recovery with absolutely no use of alcohol. Petitioner comes to work on time daily and gets along with co-workers, dresses neat and clean, and speaks clearly with respect to supervisors and fellow employees. Petitioner has verbalized great interest in going back to work as a nurse and Ms. Pentico feels he will be able to make excellent, safe judgements and decisions based on his abilities shown at work.
- 7.7. Letter of support from Sandra Gonzales, Food Service Director/Manager, Vista Continuing Care, Pasadena, Texas, states Petitioner started his employment Vista Continuing Care on April 2, 2008. He has had a perfect attendance record, is on time daily and gets along well with co-workers. His position as cook assistant include responsibilities such as helping prepare and food for elderly residents in the nursing home. He has shown excellent skills in assuring safety is a priority as he works with sharp knives, electrical equipment that chops food, and a grill/stove that has potential for burns. He is diligent in assuring that all diets are prepared correctly for each resident. Petitioner's good thinking skills are demonstrated by managing tasks in a timely manner in order to serve meals on schedule. He also shows great concern for residents in the way he speaks in a caring and respectful nature. Petitioner has demonstrated honesty by verbalizing his sobriety and recovery which shows in his excellent work performance and general attitude.
- 7.8. Documentation of five (5) negative drug screens dated May 8, 2008, May 21, 2008, May 28, 2008, June 4, 2008, and July 22, 2008.
- 7.9. Documentation of support group attendance dating from June 2008, through June 2009.
- 7.10. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives May 24, 2007, as his date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of PEDRO RAMOS, Registered Nurse License Number 561571, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to PEDRO RAMOS, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days following relicensure, apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nursing.

(4) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

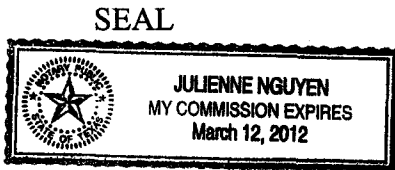
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

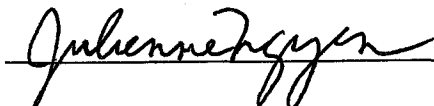
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 20 day of July, 2009.

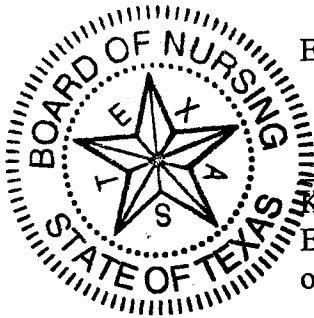

PEDRO RAMOS, Petitioner

Sworn to and subscribed before me this 20 day of July, 2009.




Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 20th day of July, 2009, by PEDRO RAMOS, Registered Nurse License Number 561571, and said Order is final.



Effective this 27th day of July, 2009.



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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 561571	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
PEDRO RAMOS	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: Pedro Ramos
9112 Nathaniel
Houston, Texas 77075

During open meeting held in Austin, Texas, on Tuesday, February 13, 2007, 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 professional 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 561571, previously issued to Pedro Ramos, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 561571, previously issued to Pedro Ramos, 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 professional nursing in the State of Texas.

Entered this 13th day of February, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

In the Matter of Permanent License	§	BEFORE THE BOARD
Number 561571, Issued to	§	OF NURSE EXAMINERS
PEDRO RAMOS, Respondent	§	FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PEDRO RAMOS, is a Registered Nurse holding license number 561571, 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 May 11, 2001, Respondent plead "Nolo Contendere" and was convicted of DRIVING WHILE LICENSE INVALID (a Class B Misdemeanor Offense committed April 18, 2001), under Cause No. 1055000, in the County Criminal Court at Law No. 7 of Harris County, Texas. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of three (3) days (with two (2) days credit), and ordered to pay a fine in the amount of one hundred dollars (\$100.00), along with court costs.

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 §217.12(1).

CHARGE II.

On or about May 20, 2004, while employed with Advanced Temporaries, Inc., Tyler, Texas, and assigned at Twelve Oaks Medical Center - South Campus, Houston, Texas, Respondent engaged in the intemperate use of alcohol in that he was observed by the nursing staff to be intoxicated while on duty. Additionally, when confronted, Respondent admitted to drinking "one beer on my way to work". The use of alcohol by a Registered 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), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(12).

CHARGE III.

On December 30, 2004, Respondent plead "Nolo Contendere" and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor Offense committed November 11, 2004), under Cause No. 1269140, in the County Criminal Court at Law No. 12 of Harris County, Texas. As a result of the conviction, Respondent was placed on probation for a period of one (1) year and ordered to pay a fine in the amount of four hundred dollars (\$400.00), along with court costs and assessed fees. Additionally, Respondent was ordered to attend a DWI Victim Impact Panel; participate in and complete an approved alcohol/drug education program; and perform forty (40) hours of community service.

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 §217.12(13).

CHARGE IV.

On March 31, 2005, Respondent plead "Guilty" and was convicted of DRIVING WHILE INTOXICATED - 2nd (a Class A Misdemeanor Offense committed March 19, 2005), under Cause No. 1292400, in the County Criminal Court at Law No. 12 of Harris County, Texas. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days, and ordered to pay court costs (with eighteen (18) days credit given towards incarceration and costs). Additionally, Respondent's driver's license was suspended for a period of two (2) years.

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 §217.12(13).

CHARGE V.

On March 31, 2005, Respondent plead "Guilty" and was convicted of DRIVING WHILE LICENSE INVALID (a Class A Misdemeanor Offense committed March 19, 2005), under Cause No. 1292401, in the County Criminal Court at Law No. 12 of Harris County, Texas. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days, and ordered to pay court costs (with eighteen (18) days credit given towards incarceration and costs).

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 §217.12(13).

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CHARGE VI.

On December 30, 2004, Respondent was convicted of DRIVING WHILE INTOXICATED in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1269140. As a result of the conviction, Respondent was placed on probation for a period of one (1) year, with Stipulations.

On April 6, 2005, the probation that Respondent had been granted under Cause No. 1269140, in the County Criminal Court at Law No. 12 of Harris County, Texas was REVOKED, based on a Finding by the Court that Respondent had violated the terms and conditions of probation he had been granted on December 30, 2004, to-wit: Respondent committed an offense against the State of Texas on or about March 19, 2005, in Harris County. As a result, Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days, and ordered to pay a four hundred dollar (\$400) fine, along with court costs (with eighteen (18) days credit given towards incarceration, fine and costs).

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 §217.12(13).

CHARGE VII.

On December 30, 2004, Respondent was convicted of DRIVING WHILE INTOXICATED in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1269140.

On March 31, 2005, Respondent was convicted of DRIVING WHILE INTOXICATED - 2ND in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1292400.

On March 31, 2005, Respondent was convicted of DRIVING WHILE LICENSE INVALID in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1292401.

On or about August 31, 2005, Respondent submitted his Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas. On the Renewal, Respondent 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 was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This included expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in 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's conduct was deceptive to the staff at the Board of Nurse Examiners, and could have affected their decision to renew his license to practice professional nursing in the State of Texas.

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

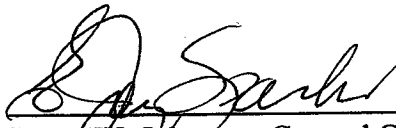
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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.

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 and Lying and Falsification which can be found at the Board's website, www.bne.state.tx.us.

Filed this 13th day of November, 20 06.

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. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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Austin, Texas 78701

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F: (512) 305.8101 or (512)305-7401

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2007, 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):

Pedro Ramos
9112 Nathaniel
Houston, Texas 77075

BY:

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