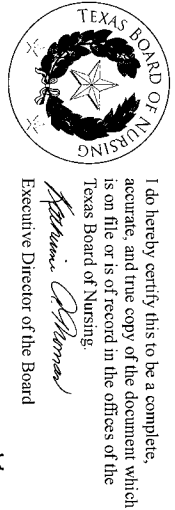


BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 95344 §
issued to ROBERT B. OLIVAREZ § ORDER



On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of ROBERT B. OLIVAREZ, Vocational Nurse License Number 95344, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(2),(9)&(10) Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 27, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, 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 Brooke Army Medical Center, Fort Sam Houston, Texas, on October 16, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on Mary 27, 1982.
5. Respondent's vocational nursing employment history is unknown.
6. On or about February 19, 2001, Respondent entered a plea of Guilty or No Contest and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on June 11, 2000), in the County Court at Law No. 2, Cameron, County, Texas,

under Cause No. 00-CCR-4688-B. As a result of the conviction, Respondent was sentenced to six (6) months confinement in the Cameron County Jail; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of six (6) months. Additionally Respondent was ordered to pay a fine and court costs.

7. On or about October 24, 2001, Respondent submitted a License Renewal Form to the Board of Vocational Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information in that Respondent answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

A On or about February 19, 2001, Respondent was convicted of DRIVING WHILE INTOXICATED in the County Court at Law No. 2, Cameron, County, Texas, under Cause No. 00-CCR-4688-B.

8. In response to Finding of Fact Number Six (6), Respondent states: He was arrested by a police officer after being asked if he had been drinking. He had a couple of beers while at a friend's house. Police gave him several breathalyzer tests until it showed he was above the limit. Respondent pled guilty to DWI.

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 302.402(a)(2)&(10), Texas Occupations Code, (effective September 1, 1999) and 22 TEX. ADMIN. CODE §239.11(8) (effective through September 28, 2004).
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 95344, heretofore issued to ROBERT B. OLIVAREZ, including revocation of Respondent's license to practice vocational 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 REMEDIAL EDUCATION

WITH 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 this Order SHALL be applicable to Respondent's multi state licensure privilege, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to ROBERT B. OLIVAREZ to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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.

(3) 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) contact 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>.

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

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RESPONDENT'S CERTIFICATION

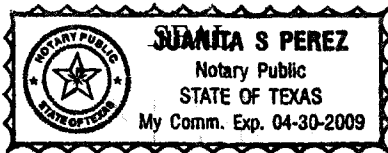
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 when this Order becomes final and the terms of this Order become effective, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30th day of April, 2009.

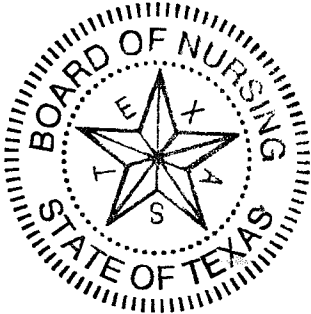
Robert B. Olivarez
ROBERT B. OLIVAREZ, Respondent

Sworn to and subscribed before me this 30th day of April, 2009.



Juanita S. Perez
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 30th day of April, 20 09, by ROBERT B. OLIVAREZ, Vocational Nurse License Number 95344, and said Order is final.



Effective this 7th day of May, 2009.

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