



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 687945 §
& Vocational Nurse License Number 148745 §
issued to JOSE LUIS GALAVIZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOSE LUIS GALAVIZ, Registered Nurse License Number 687945, and Vocational Nurse License Number 148745, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. 9/1/1993), and Section 301.452(b)(2)&(10)(eff. 9/1/2001), and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 1, 2012, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Texas Southmost, McAllen, Texas, on August 11, 1994, and an Associate Degree in Nursing from South Texas Community College, McAllen, Texas, on May 1, 2002. Respondent was licensed to practice

vocational nursing in the State of Texas on September 26, 1994, and Respondent was licensed to practice professional nursing in the State of Texas on July 16, 2002.

5. Respondent's nursing employment history is unknown.
6. On or about July 15, 1994, Respondent submitted an Application for Licensure by Examination to the Texas Board of Vocational Nurse Examiners in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about February 16, 1990, Respondent pled Guilty to and was convicted of ROBBERY IN THE SECOND DEGREE, a Felony offense committed on September 24, 1989, in the Superior Court, King County, Washington, under Cause No. 89-1-05348-5.

Respondent failed to disclose that on or about November 24, 1992, Respondent pled Guilty to and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on April 30, 1992, in the County court at Law No. Three, Hidalgo County, Texas, under Cause No. CR-103,708-C.

Finally, Respondent failed to disclose that on or about December 14, 1992, Respondent pled Guilty to and was convicted of BURGLARY OF HABITATION FIRST, a First Degree Felony offense committed on April 30, 1992, in the 275th District Court, Hidalgo County, Texas, under Cause No. CR-2189-92-E.

7. On or about May 28, 2002, Respondent submitted an Application for Initial Licensure by Examination to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he attested to the truth of the statement: (I) "have never been convicted of any crime other than a minor traffic violation."

Respondent failed to disclose that on or about February 16, 1990, Respondent pled Guilty to and was convicted of ROBBERY IN THE SECOND DEGREE, a Felony offense committed on September 24, 1989, in the Superior Court, King County, Washington, under Cause No. 89-1-05348-5.

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Finally, Respondent failed to disclose that on or about December 14, 1992, Respondent pled to Guilty to and was convicted of BURGLARY OF HABITATION FIRST, a First Degree Felony offense committed on April 30, 1992, in the 275th District Court, Hidalgo County, Texas, under Cause No. CR-2189-92-E.

8. In response to Findings of Fact Numbers Six (6), and Seven (7), Respondent states, at the age of 18, he was living in Seattle, Washington. One night he was hanging out with three other friends. They had been drinking, and while walking downtown they encountered a man on the street. Words were exchanged between one of his companions, the victim's wallet had fallen and was taken by one of them. They ran away and were later arrested. He stated he pled guilty to the charge and was sentenced to probation for one year, six months later he was released from probation.

In 1992, he was at a friend's house and had been drinking. Against the advice of his friend he decided to drive home. On the way, he lost control and got stuck in a ditch. He began walking around looking for help, he went up to a house nearby and asked for help. No one came out of the house. He was confused and took a car that didn't belong to him. He was arrested and eventually pled guilty to the charge. He was sentenced to ten years probation.

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)(eff. 9/1/1993), and 22 TEX. ADMIN. CODE §217.12(22)&(23)(eff. 9/1/2001).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. 9/1/1993), and Section 301.452(b)(2)&(10)(eff. 9/1/2001), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 687945, and Vocational Nurse License Number 148745, heretofore issued to JOSE LUIS GALAVIZ, 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 Registered Nurse License Number 687945, and Vocational Nurse License Number 148745, previously issued to JOSE LUIS GALAVIZ, to practice nursing in Texas is/are hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

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 the 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.

(1) 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.

(2) 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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) 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. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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.

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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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:

(5) 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.

(6) 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.

(7) 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.

(8) 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.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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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RESPONDENT'S CERTIFICATION

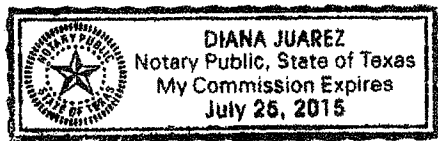
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 28 day of December, 2012

[Signature]
JOSE LUIS GALAVIZ, Respondent

Sworn to and subscribed before me this 28th day of December, 2012.

SEAL



[Signature]

Notary Public in and for the State of Texas

Approved as to form and substance.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of December, 2012, by JOSE LUIS GALAVIZ, Registered Nurse License Number 687945, and Vocational Nurse License Number 148745, and said Order is final.

Effective this 12th day of February, 2013.



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