



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 762061
ISSUED TO
BOBBY GALINDO

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BEFORE THE TEXAS

BOARD OF NURSING

NUNC PRO TUNC ORDER OF THE BOARD

TO: Bobby Galindo
215 N. Loop 1604, #11208
San Antonio, TX 78232

On February 21, 2013, during open meeting in Austin, Texas, an Order of Temporary Suspension of the Board was entered for Bobby Galindo. However, the Order contained a typographical error in that it referenced Tex. Occ. Code §301.4551 instead of Tex. Occ. Code §301.455. The public posting of the emergency meeting correctly referenced Tex. Occ. Code §301.455. Further, all discussion and Staff presentation during the open meeting referenced Tex. Occ. Code §301.455. 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 Temporary Suspension of the Board for Bobby Galindo containing the typographical error referenced above and submits and enters the corrected Order of Temporary Suspension of the Board, which contains the corrected reference to Tex. Occ. Code §301.455. No other changes to the Order have been made. Mr. Galindo received due process regarding his license; therefore, his rights have not been prejudiced.

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

Order effective February 21, 2013.

Entered this 21st day of February, 2013.

TEXAS BOARD OF NURSING

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

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 762061 §
Issued to BOBBY GALINDO, §
Respondent § BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: Bobby Galindo
215 N. Loop 1604, #11208
San Antonio, TX 78232

A public meeting of the Texas Board of Nursing was held on 21st of February ²⁰¹³ at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 762061, issued to BOBBY GALINDO, was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of BOBBY GALINDO and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

- On or about October 27, 2011, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he touched Patient S.M.'s breasts. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient. Respondent's misconduct also violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.
- On or about January 4, 2012, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient K.L. for a hug, placed his hand down Patient K.L.'s gown, inappropriately touched Patient K.L.'s breasts, and placed Patient K.L.'s hand on his crotch. Respondent also attempted to place his hand underneath Patient K.L.'s pants. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient K.L.

- On or about November 7, 2012, through December 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient J.S. after her discharge via text messages and phone calls. Additionally, Respondent threatened to rape said patient, harm her fiancée, and release her medical records and a video of her being in the hospital. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient J.S.
- On or about November 11, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he inappropriately touched Patient S.M.'s breasts, and asked said patient "if (he) could put it in her." Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.
- On or about November 11, 2012, through December 5, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient S.M. after her discharge via text messages and phone calls. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse.
- On or about November 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient S.B. for a hug, made inappropriate comments regarding Patient S.B.'s breasts, and inappropriately touched Patient S.B.'s breasts when he removed the ECG monitor lead wires from said patient. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.B.
- On or about November 15, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional and threatening conduct in that he threatened to come to the hospital with a gun and kill Patient S.B. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care.

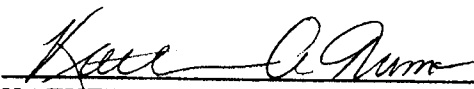
The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by BOBBY GALINDO constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 762061, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 762061, issued to BOBBY GALINDO, to practice nursing in the State of Texas be, and the same is, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 21st day of February, 2013.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

In the Matter of
Permanent Registered Nurse
License Number 762061
Issued to BOBBY GALINDO,
Respondent

§ BEFORE THE TEXAS
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§ BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: Bobby Galindo
215 N. Loop 1604, #11208
San Antonio, TX 78232

A public meeting of the Texas Board of Nursing was held on February 21, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 762061, issued to BOBBY GALINDO, was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of BOBBY GALINDO and whether his continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

- On or about October 27, 2011, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he touched Patient S.M.'s breasts. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient. Respondent's misconduct also violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.
- On or about January 4, 2012, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient K.L. for a hug, placed his hand down Patient K.L.'s gown, inappropriately touched Patient K.L.'s breasts, and placed Patient K.L.'s hand on his crotch. Respondent also attempted to place his hand underneath Patient K.L.'s pants. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's

right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient K.L.

- On or about November 7, 2012, through December 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient J.S. after her discharge via text messages and phone calls. Additionally, Respondent threatened to rape said patient, harm her fiancée, and release her medical records and a video of her being in the hospital. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient J.S.
- On or about November 11, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he inappropriately touched Patient S.M.'s breasts, and asked said patient "if (he) could put it in her." Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.
- On or about November 11, 2012, through December 5, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient S.M. after her discharge via text messages and phone calls. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse.
- On or about November 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient S.B. for a hug, made inappropriate comments regarding Patient S.B.'s breasts, and inappropriately touched Patient S.B.'s breasts when he removed the ECG monitor lead wires from said patient. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.B.
- On or about November 15, 2012, while employed as a Registered Nurse with

Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional and threatening conduct in that he threatened to come to the hospital with a gun and kill Patient S.B. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care.


The Texas Board of Nursing further finds that, given the nature of the charges concerning his fitness to practice, the continued practice of nursing by BOBBY GALINDO constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 762061, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 762061, issued to BOBBY GALINDO, to practice nursing in the State of Texas be, and the same is, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61st day following the date of the entry of this order.

Entered this 21st day of February, 2013.

TEXAS BOARD OF NURSING

BY: 
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR

**In the Matter of
Permanent Registered Nurse
License Number 762061
Issued to BOBBY GALINDO,
Respondent**

§ **BEFORE THE TEXAS**
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§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BOBBY GALINDO, is a Registered Nurse holding License Number 762061, 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 or about October 27, 2011, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he touched Patient S.M.'s breasts. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient. Respondent's misconduct also violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(J), and 217.12(1)(A)&(B),(4),(6)(C),(D)&(E), and 25 Tex. Admin. Code §133.42(a)(1)(B).

CHARGE II.

On or about January 4, 2012, while employed as a Registered Nurse with Methodist Stone Oak, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient K.L. for a hug, placed his hand down Patient K.L.'s gown, inappropriately touched Patient K.L.'s breasts, and placed Patient K.L.'s hand on his crotch. Respondent also attempted to place his hand underneath Patient K.L.'s pants. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient K.L.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(J), and 217.12(1)(A)&(B),(4),(6)(C),(D)&(E), and 25 Tex. Admin. Code §133.42(a)(1)(B).

CHARGE III.

On or about November 7, 2012, through December 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient J.S. after her discharge via text messages and phone calls. Additionally, Respondent threatened to rape said patient, harm her fiancée, and release her medical records and a video of her being in the hospital. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient J.S.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(E)&(J), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(6)(C)&(D).

CHARGE IV.

On or about November 11, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he inappropriately touched Patient S.M.'s breasts, and asked said patient "if (he) could put it in her." Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.M.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(J), and 217.12(1)(A)&(B),(4),(6)(C),(D)&(E), and 25 Tex. Admin. Code §133.42(a)(1)(B).

CHARGE V.

On or about November 11, 2012, through December 5, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct and violated professional boundaries of the nurse/patient relationship in that he contacted Patient S.M. after her discharge via text messages and phone calls. Respondent's conduct was likely to cause harm to the patient in that violation of professional boundaries is likely to cause confusion between the needs of the patient and those of the nurse.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(E)&(J), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4),(6)(C)&(D).

CHARGE VI.

On or about November 14, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional conduct, including sexual misconduct, in that he asked Patient S.B. for a hug, made inappropriate comments regarding Patient S.B.'s breasts, and inappropriately touched Patient S.B.'s breasts when he removed the ECG monitor lead wires from said patient. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care. Additionally, Respondent's conduct was a gross violation of the nurse/patient boundaries and caused emotional and physical harm to Patient S.B.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A),(B)&(J), and 217.12(1)(A)&(B),(4),(6)(C),(D)&(E), and 25 Tex. Admin. Code §133.42(a)(1)(B).

CHARGE VII.

On or about November 15, 2012, while employed as a Registered Nurse with Northeast Baptist Hospital, San Antonio, Texas, Respondent engaged in unprofessional and threatening conduct in that he threatened to come to the hospital with a gun and kill Patient S.B. Respondent's conduct could have caused the patient physical, emotional, or mental injury to the patient, and violated the patient's right to considerate and respectful care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(A)&(B), and 217.12(1)(A),(4),(6)(F), and 25 Tex. Admin. Code §133.42(a)(1)(B).

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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and 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 Section 301.461, Texas Occupations Code. 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).

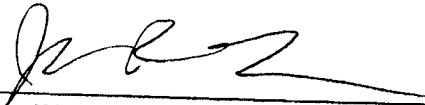
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Sexual Misconduct, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 21 day of February, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401