



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 Nurse Anesthetist § AGREED
Registered Nurse License Number 456304 §
issued to EMMANUEL H SARMIENTO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EMMANUEL H SARMIENTO, Nurse Anesthetist and Registered Nurse License Number 456304, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 22, 2013, 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 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.
4. Respondent received a Diploma in Nursing from Cook County School of Nursing, Chicago, Illinois, on May 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on January 12, 1981. Respondent completed a post-graduate Nurse Anesthetist program from The University of Medicine & Dentistry, Stratford, New Jersey, on August 13, 1999. Respondent received authorization from the Board to practice as a Nurse Anesthetist on March 10, 2000.

5. Respondent's nursing employment history includes:

1977 - 1980	Unknown	
10/81 - 1988	RN	Parkland Hospital Dallas, Texas
06/88 - 04/89	RN	St. Paul Hospital Dallas, Texas
04/89 - 05/97	RN	Mesquite Community Hospital Mesquite, Texas
02/00 - 06/00	CRNA	Baylor University Medical Center Dallas, Texas
06/00 - 08/11	CRNA	Parkland Health & Hospital System Dallas, Texas
09/11 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a CRNA with Parkland Health & Hospital System, Dallas, Texas, and has been in this position for eleven (11) years and two (2) months.
7. During August 2010 and September 2010, while employed as a Certified Registered Nurse Anesthetist with Parkland Health & Hospital System, Dallas, Texas, Respondent lacked fitness to practice professional nursing in that while on duty staff reported that Respondent was impaired, physically and mentally slow and was not able to perform his privileges without significant risk to patients. In addition, on or about March 2, 2011, Respondent underwent a Neuropsychological Evaluation with results that indicated that Respondent had isolated cognitive inefficiencies in aspects of attention, processing speed, language, visual memory, plus impaired fine motor speed, coordination and strength. Respondent's conduct could have affected his ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. Formal Charges were filed on November 28, 2012.
9. Formal Charges were mailed to Respondent on November 29, 2012.

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 §217.12(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(12), Texas Occupations Code, to take disciplinary action against Nurse Anesthetist and Registered Nurse License Number 456304, heretofore issued to EMMANUEL H SARMIENTO, 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 RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, 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 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, 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.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

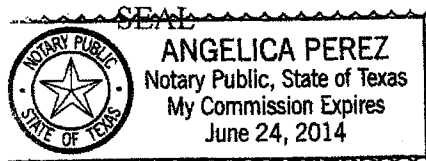
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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.

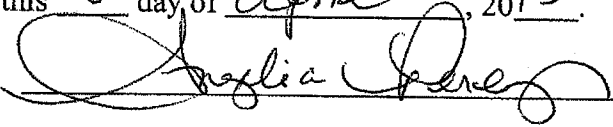
Signed this 8th day of April, 2013.




EMMANUEL H. SARMIENTO, Respondent

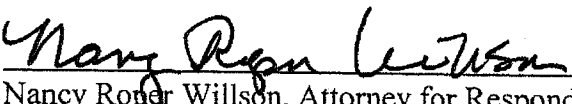
Sworn to and subscribed before me this 8th day of April, 2013.





Notary Public in and for the State of Texas


Approved as to form and substance.

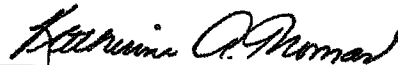


Nancy Roger Willson, Attorney for Respondent

Signed this 8th day of April, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of April, 2013, by EMMANUEL H SARMIENTO, Nurse Anesthetist and Registered Nurse License Number 456304, and said Order is final.

Effective this 14th day of May, 2013.



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