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Patricia Williams
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 199564 §
issued to ANDREW PADILLA VELASQUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANDREW PADILLA VELASQUEZ, Vocational Nurse License Number 199564, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 13, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on August 9, 2005.
5. Respondent's vocational nursing employment history is unknown.

6. On or about August 10, 2011, Respondent pled Guilty to POSSESSION OF CONTROLLED SUBSTANCE, HEROIN , a State Jail Felony offense committed on March 15, 2011, in the 82nd District Court of Falls County, Texas, under Cause No. 9007. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of Guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court costs.
7. On or about August 15, 2011, Respondent pled Guilty to COUNT I POSSESSION OF CONTROLLED SUBSTANCE, TO WIT: HEROIN, a State Jail Felony offense committed on December 16, 2010, in the 19th District Court of McLennan County, Texas, under Cause No. 2011-666-C1. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of Guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine, court costs and restitution in the amount of one hundred forty dollars (\$140).

On or about August 15, 2011, Respondent pled Guilty to COUNT II POSSESSION OF CONTROLLED SUBSTANCE, TO WIT: OXYCOTIN OR OXYCODONE, a State Jail Felony offense committed on December 16, 2010, in the 19th District Court of McLennan County, Texas, under Cause No. 2011-666-C1. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of Guilt, and Respondent was placed on probation for a period of five (5) years and ordered to pay a court costs.

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states he became very depressed due to a divorce and being unemployed. During this time Respondent became addicted to Opiates. Respondent checked himself into a treatment center in Austin, Texas. Respondent's sobriety date is April 27, 2011. Respondent relapse plan is to attend meetings regularly and surround himself with his family and friends.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. 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.
11. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

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(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 199564, heretofore issued to ANDREW PADILLA VELASQUEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 199564, heretofore issued to ANDREW PADILLA VELASQUEZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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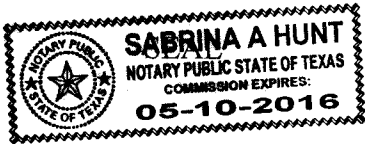
RESPONDENT'S CERTIFICATION

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 29 day of April, 2013.

Andrew Velasquez
ANDREW PADILLA VELASQUEZ, Respondent

Sworn to and subscribed before me this 22 day of May, 2013.



Sabrina A Hunt
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 accept the voluntary surrender of Vocational Nurse License Number 199564, previously issued to ANDREW PADILLA VELASQUEZ.

Effective this 28th day of May, 2013.



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