



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
Vocational Nurse License Number 225601 §
issued to JULIO ENRIQUE HERNANDEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIO ENRIQUE HERNANDEZ, Vocational Nurse License Number 225601, 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)(13), 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 November 1, 2013.

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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Lynwood Adult School, Lynwood, California, on April 2, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 24, 2009.
5. Respondent's nursing employment history includes:

11/09 - Present	Staff Nurse	Pediatric Services of America Healthcare Bellaire, Texas
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6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Pediatric Services of America Healthcare, Bellaire, Texas, and had been in this position for two (2) years.
7. On or about December 31, 2011, while employed with Pediatric Services of America Healthcare, Bellaire, Texas, Respondent refused to administer Morphine Sulfate 2 mg every two (2) hours, as needed for pain, as ordered by the physician for Patient W.P.M., an eleven (11) month old patient with Steven-Johnson Syndrome secondary to a severe reaction to Phenobarbital. Steven-Johnson Syndrome is similar to a severe burn and extremely painful. Morphine was also to be administered when the patient suffered autonomic storms because the Phenobarbital had to be discontinued abruptly.

Instead of administering the Morphine when the patient displayed signs and symptoms of pain and/or autonomic storms, which included crying, higher than normal heart rate and respiratory rate, Respondent informed the parents that Morphine was "addicting and habit forming." As a result, the parents were required to administer the medications during Respondent's shift when Respondent informed the parents that he would not administer Morphine whether they were or were not in the home. Respondent's conduct exposed the patient unnecessarily to the risk of harm from suffering prolonged periods of pain, and was likely to cause the parents emotional stress of knowing that the patient would not be medicated with Morphine if they were not in the home.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that he refused to administer medications that had been prepared by the patient's parents. Additionally, he states he refused to administer the Morphine but asserts that he refused to administer the medication until he verified the dose. Respondent explains that when he contacted the agency to clarify the physician's order and to verify that he could not administer medications that were not drawn up by him, he may have "inadvertently communicated to the parents that he did not trust them, or that they did not know what they were doing." Respondent goes on to explain that he was surprised by the Morphine dose which is why he wanted to clarify the order.

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 §217.11(1)(A),(1)(C),(1)(M),(1)(P)&(2)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against, Vocational Nurse License Number 225601, heretofore issued to JULIO ENRIQUE HERNANDEZ, including revocation of

Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, 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, 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, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper

administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>.*

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 may 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 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

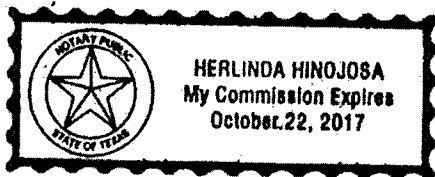
Signed this 27 day of NOV, 2013

Julio E. Hernandez
JULIO ENRIQUE HERNANDEZ, Respondent

Sworn to and subscribed before me this 27 day of Nov., 2013.

SEAL

[Signature]
Notary Public in and for the State of Texas



Approved as to form and substance.

Jeremiah Fugit on behalf of Darrin Dest
DARRIN DEST, Attorney for Respondent

Signed this 6 day of December, 2013.

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 27th day of November, 2013, by JULIO ENRIQUE HERNANDEZ, Vocational Nurse License Number 225601, and said Order is final.

Effective this 9th day of December, 2013.



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