

IN THE MATTER OF PERMANENT §
VOCATIONAL NURSE LICENSE §
NUMBER 222771 ISSUED TO §
JOSHUA DANIEL D'ALESSANDRO §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Joshua Daniel D'Alessandro
104 Northwood Village Dr #2e
Cary, NC 27513

During open meeting held in Austin, Texas, on **February 11, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 222771, previously issued to JOSHUA DANIEL D'ALESSANDRO, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11th day of February, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 9, 2014.

Re: Permanent Vocational Nurse License Number 222771
Issued to JOSHUA DANIEL D'ALESSANDRO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of February, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Joshua Daniel D'Alessandro
104 Northwood Village Dr #2e
Cary, NC 27513

Via USPS First Class Mail

Joshua Daniel D'Alessandro
103 Northwoods Village Drive #2C
Cary, NC 27513



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent	§	BEFORE THE TEXAS
Vocational Nurse License	§	
Number 222771 Issued to	§	
JOSHUA DANIEL D'ALESSANDRO,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOSHUA DANIEL D'ALESSANDRO, is a Vocational Nurse holding License Number 222771, which is in delinquent 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 February 20, 2013, Respondent was issued a Consent Order by the North Carolina Board of Nursing wherein Respondent's license to practice practical nursing in the State of North Carolina was Suspended for a period of three (3) months with the suspension stayed with required courses. Subsequently, on or about May 9, 2013, Respondent was issued an Order to Show Cause Following Violation of Probationary Conditions by the North Carolina Board of Nursing wherein Respondent's license to practice practical nursing in the State of North Carolina was Indefinitely Suspended for failure to comply with the Consent Order issued by the North Carolina Board of Nursing, dated February 20, 2013. Copies of the Consent Order issued by the North Carolina Board of Nursing, dated February 20, 2013, and Order to Show Cause Following Violation of Probationary Conditions issued by the North Carolina Board of Nursing, dated May 9, 2013, are attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s 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).

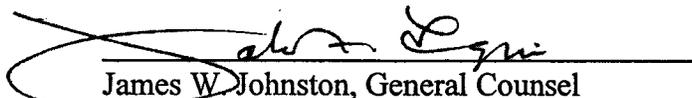
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Consent Order issued by the North Carolina Board of Nursing, dated February 20, 2013, and Order to Show Cause Following Violation of Probationary Conditions issued by the North Carolina Board of Nursing, dated May 9, 2013.

Filed this 8th day of October, 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

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

Attachments: Consent Order issued by the North Carolina Board of Nursing, dated February 20, 2013, and Order to Show Cause Following Violation of Probationary Conditions issued by the North Carolina Board of Nursing, dated May 9, 2013.

D/2012.06.19

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the matter of:)

Joshua Daniel D'Alessandro, LPN)

Certificate #73660)

BOARD OF NURSING

PUBLISHED CONSENT ORDER

2013 FEB 20 A 9:42

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board), proposes to enter into a **CONSENT ORDER** with Joshua Daniel D'Alessandro, Licensed Practical Nurse.

STIPULATION OF FACTS

- (1) Joshua Daniel D'Alessandro is the holder of Licensed Practical Nurse Certificate # 73660, which expires on June 30, 2013.
- (2) Joshua D'Alessandro was terminated from Central Prison as a contract employee of Maxim Staffing Solutions in Raleigh, North Carolina after it was identified that he was negligent in his nursing practice and that he falsified medical record documentation. Specifically, on or about September 28, 2012 – September 30, 2012, Mr. D'Alessandro failed to administer insulin prescribed to a patient assigned to his care. Additionally, he documented administration of the insulin on the MAR in accordance with physician orders for the dates in question.

Mr. D'Alessandro admitted he was familiar with "how the MARs were set up" but stated he "overlooked" the insulin order that was on the back side of the MAR. However, he consistently signed the MAR indicating administration of the prescribed insulin through the months of August 2012 and September 2012. Mr. D'Alessandro stated he should have taken more time to thoroughly review the MAR prior to initialing to prevent this mistake.

CONCLUSIONS OF LAW/AUTHORITY TO PROCEED

- (3) The Board has the authority to take appropriate disciplinary or remedial action upon the finding of a violation of the Nursing Practice Act.
- (4) After careful consideration of all information received during the investigation, the information shows that a violation of the North Carolina Nursing Practice Act has occurred. The violations include G.S. 90-171.37 (4, 5, 6, 7 and 8):
 - (4) Engages in conduct that endangers the public health.
 - (5) Is unfit or incompetent to practice nursing by reason of deliberate or negligent acts or omissions regardless of whether actual injury to the patient is established.
 - (6) Engages in conduct that deceives, defrauds, or harms the public in the course of professional activities or services.
 - (7) Has violated any provision of this Article.
 - (8) Has willfully violated any rules enacted by the Board.

Revised 12-16-05, 1-5-06, 1-24-06, 3-09-09, 7-2011

Initials of Licensee: JD

CERTIFIED TRUE COPY

**BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA**

In the matter of:)
Joshua Daniel D'Alessandro, LPN) **PUBLISHED CONSENT ORDER**
Certificate #73660)

and Regulation 21 N.C.A.C. 36.0217(c) **(9 and 22)**:

- (9) Abandoning or neglecting a client who is in need of nursing care, without making reasonable arrangements for the continuation of such care.
- (22) Falsifying a client's record or the controlled substance records of the Agency.
- 5) This stipulation shall be made part of the record and filed with the Board. In exchange for the licensee's acceptance of the terms of this **ORDER**, the Board will not prosecute the violations of the Nursing Practice Act by way of Administrative Hearings.
- (6) The Licensee has been advised of the right to seek legal counsel, to be represented by counsel in proceedings before the Board, to be heard by the Board in a Settlement Committee meeting or an Administrative Hearing, and the right to Judicial Review by Superior Court of the Board Decision after an Administrative Hearing. By signing this **CONSENT ORDER**, the Licensee waives these rights.
- (7) This **CONSENT ORDER** will be placed in the licensee's file and becomes a public record under the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
- (8) This stipulation contains the entire agreement between the Licensee and the Board and all prior contemporaneous negotiations or oral negotiations are merged herein.
- (9) The Licensee wishes to resolve this matter by **CONSENT ORDER** and agrees the Board staff and legal counsel may discuss this **CONSENT ORDER** with the Board without the Licensee being present whether or not the Board accepts this **CONSENT ORDER** as written.
- (10) The Licensee expressly waives an Administrative Hearing and all further proceedings before the Board to which the licensee may be entitled by law and agrees to the Stipulation of Fact and Conclusions of Law.
- (11) This **CONSENT ORDER** is made for the purposes of settlement of the case currently before the Board only.

CERTIFIED TRUE COPY

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the matter of:)
Joshua Daniel D'Alessandro, LPN) PUBLISHED CONSENT ORDER
Certificate #73660)

- (12) The Licensee expressly waives the right to seek judicial review or to otherwise challenge the validity of said **CONSENT ORDER**.
- (13) Failure to return a signed copy of the proposed **CONSENT ORDER** within ten (10) days will constitute refusal of the proposal; the offer will be voided, and a Letter of Charges will be issued.

PROPOSED REMEDY

- (14) Based on the Stipulations of Fact and Conclusions of Law, without further notice of proceedings, the Board enters into the following **CONSENT ORDER** with Joshua Daniel D'Alessandro, LPN:

PROPOSED SANCTION

Mr. D'Alessandro's LPN license shall be suspended for a period of three (3) months. The suspension will be stayed on the condition that he provides the Board with proof of successful completion for the following courses within 45 days of acceptance of this **CONSENT ORDER** (Note: This **CONSENT ORDER** will be deemed in effect on the date it is received at the Board office with the licensee's signature and acceptance noted):

1. www.learningext.com online course entitled, "Professional Accountability and Legal Liability for Nurses"
2. www.rn.com online course entitled, "Professional Documentation: Safe, Effective and Legal"

Failure to provide the Board with proof of successful completion of the courses within the specified time frame will result in the stay of suspension being revoked and the license will be suspended for the three months and until proof of completion has been provided. If the stay is revoked, the licensee must appear before the Licensure Review Panel to request reinstatement of the license.

- (15) The licensee assumes financial responsibility for any costs associated with fulfilling the terms of this **CONSENT ORDER**.
- (16) For the terms of this **ORDER** to be in effect, the licensee must be employed in nursing and must continue in compliance with all conditions of the **ORDER**.

CERTIFIED TRUE COPY

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the matter of:)

Joshua Daniel D'Alessandro, LPN)

PUBLISHED CONSENT ORDER

Certificate #73660)

- (17) The parties agree that this **CONSENT ORDER** is public record, as required by N.C. General Statute § 132. All disciplinary actions taken by the Board will be reported to the appropriate entities as outlined in Board policy, and as required by state and/or federal guidelines. Those entities include, but may not be limited to: NURSYS, National Practitioner Data Bank (NPDB), the Office of the Inspector General (OIG), Health Care Integrity and Protection Data Bank (HIPDB), and any other state/jurisdiction in which the licensee is or has been licensed.
- (18) I acknowledge that the allegations, if proven at a hearing, would constitute a violation(s) of the North Carolina Nursing Practice Act, G.S. Chapter 90, and its regulations, as described above and therefore would constitute grounds for disciplinary action.
- (19) If a probationary license is issued, and if during the period of this **CONSENT ORDER**, the staff of the Board receives evidence that the Licensee has violated any of the above conditions; or if the Board (or Committee) determines that such violations have occurred, then the Board may suspend or revoke the license, or revoke the stay and impose the disciplinary action that was stayed.
- (20) In the event the Board determines the Licensee has violated any of the conditions of this **ORDER**, and the Licensee disputes that such a violation of the conditions has occurred, then the Licensee agrees the Licensee must file such objection in writing with the Board **WITHIN TEN (10) BUSINESS DAYS** of the date of the notice of the violations to the Licensee. The notice to the Board shall contain with specificity the violations disputed.
- (21) When the Licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

IN ACCORDANCE WITH THE INTERSTATE COMPACT FOR NURSE LICENSURE, THE LICENSEE SHALL NOT PARTICIPATE IN ANY OTHER PARTY STATE DURING THE TIME IN WHICH THE LICENSE IS ON PROBATION/SUSPENSION WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE NORTH CAROLINA BOARD OF NURSING AND THE OTHER PARTY STATE. THE LICENSEE MUST PROVIDE EVIDENCE OF SUCH AUTHORIZATION FROM THE OTHER PARTY STATE TO THE NORTH CAROLINA BOARD OF NURSING.

CERTIFIED TRUE COPY

BEFORE THE BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

In the matter of:)

Joshua Daniel D'Alessandro, LPN)

Certificate #73660)

PUBLISHED CONSENT ORDER

THE ABOVE APPLIES NOT ONLY TO THE LICENSEE'S LICENSE, BUT ALSO TO THE PRIVILEGE TO PRACTICE IN NORTH CAROLINA WHICH MAY BE AUTHORIZED IN THE FUTURE BY ANY OTHER NURSE LICENSURE COMPACT STATE.

- (22) Having read the proposed CONSENT ORDER, I now voluntarily enter into this agreement with the Board.
- (23) This CONSENT ORDER will be deemed in effect on the date it is received at the Board office with the licensee's signature and acceptance noted.

I accept the offer: 02/14/12 JD
DATE INITIAL

I decline the offer: _____
DATE INITIAL

This the 7th day of February, 2013

[Signature] Joshua D'Alessandro
LICENSEE

LICENSEE ATTORNEY (if represented by Counsel)

[Signature]
DONNA H. MOONEY, RN, MBA
MANAGER, DISCIPLINARY PROCEEDINGS

CERTIFIED TRUE COPY

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

IN THE MATTER OF)

Joshua Daniel D'alessandro, LPN)

ORDER TO SHOW CAUSE FOLLOWING
VIOLATION OF PROBATIONARY
CONDITIONS

Certificate # 73660)

Pursuant to the authority vested by Article 9A, Chapter 90 of the General Statutes of North Carolina and Article 3A of Chapter 150B-38 of the General Statutes of North Carolina, the North Carolina Board of Nursing (hereafter known as the Board) **SUSPENDS** the Licensed Practical Nurse license of Joshua Daniel D'Alessandro for violation of his Published Consent Order.

1. Joshua Daniel D'Alessandro is the holder of LPN Certificate # 73660 which expires on June 30, 2013.
2. On February 4, 2013 Joshua Daniel D'Alessandro entered into a Consent Order with the Board after he was found to be negligent in the care he provided to clients and when he documented in client records. He agreed to a three (3) month stayed suspension and that he would successfully complete two (2) on-line courses: "Professional Documentation: Safe, Effective and Legal" and "Professional Accountability and Legal Liability for Nurses". By agreeing to the terms of the Published Consent Order, the licensee ~~agreed to satisfactorily~~ comply with all the conditions.
3. On March 12, 2013 the licensee was sent a letter reminding him that the deadline for completion of the courses was March 31, 2013. Board staff made several attempts to contact Mr. D'Alessandro, but has been unable to reach him. Mr. D'Alessandro has made no contact with the Board and has not provided evidence of successful completion of the courses.
4. Mr. D'Alessandro failed to complete the terms of his Published Consent Order.
5. The investigation determined that the licensee has violated the Nursing Practice Act Section G.S. 90-171.37 (7) and (8) and as further identified in Regulation 21 NCAC 36.0217 (c) (20).
6. Therefore, the stay on the Licensed Practical Nurse license of Joshua Daniel D'Alessandro is hereby **REVOKED** and the license will be **SUSPENDED** for three (3) months. Mr. D'Alessandro **MUST IMMEDIATELY CEASE AND DESIST** from the practice of nursing in North Carolina.
7. In accordance with Chapter 150B of the General Statutes, the licensee is entitled to a "Show Cause" Hearing before members of the Board to determine why the Board should not take further action because of the licensee's failure to comply with the probationary conditions, including imposing further discipline.
8. The licensee is entitled to be represented by counsel and to present evidence and witnesses/testimony on the licensee's behalf.

CERTIFIED TRUE COPY

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

IN THE MATTER OF)

Joshua Daniel D'alessandro, LPN)

Certificate # 73660)

ORDER TO SHOW CAUSE FOLLOWING
VIOLATION OF PROBATIONARY
CONDITIONS

9. Pursuant to North Carolina General Statute Section 150B-40(d), the licensee may not communicate, directly or indirectly, with any individual member of the Board about this matter. If the licensee or legal representative has questions, they should contact Donna H. Mooney, RN, Manager of Discipline Proceedings.
12. If the licensee is not contesting the violations contained in this ORDER, the licensee may request to appear before the Licensure Committee to petition for reinstatement of the license.
13. If the licensee is disputing the fact that the violations as alleged did occur, the licensee must file a written objection with the Board within ten (10) business days of the date of the notice of violations to Joshua Daniel D'alessandro. The notice must contain with specificity the violations being disputed.
14. When the licensee has properly filed notice of objections with the Board, then the licensee will be notified of the exact date and time for the "Show Cause" Hearing. The Hearing will be held at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.
15. Failure to return the written objection within the designated time period will be construed to mean the licensee is not contesting the matter and all further proceedings to which the licensee is otherwise entitled by law are hereby waived.

The license will then remain suspended until the licensee requests in writing the opportunity to appear before the Licensure Committee to petition for reinstatement.

16. This ORDER to Suspend will be placed in the licensee's file and becomes a public record pursuant to the North Carolina Public Record Statute G.S. Chapter 132 and Board policy.
17. By not contesting the violations contained in this ORDER, the licensee is waiving the rights to a "Show Cause" Hearing, to challenge the validity of this ORDER and to any further proceedings to which the licensee may be entitled by law.
18. By contesting the violations contained in this ORDER, the licensee is requesting a "Show Cause" Hearing.

The licensee understands that a written objection with the specific violations/charges being disputed must be received within ten (10) business days of the date of this notice.

The subject of the "Show Cause" Hearing shall be limited to the specific reasons for which the probationary license was suspended/revoked.

CERTIFIED TRUE COPY

BEFORE THE NORTH CAROLINA BOARD OF NURSING
OF THE STATE OF NORTH CAROLINA

IN THE MATTER OF)

Joshua Daniel D'alessandro, LPN)

Certificate # 73660)

ORDER TO SHOW CAUSE FOLLOWING
VIOLATION OF PROBATIONARY
CONDITIONS

When the licensee has properly filed notice of objection with the Board, then the Licensee will be provided a Hearing before the Board at the next scheduled Board meeting for which appropriate notice can be provided, or scheduled by consent of the parties.

19. In accordance with G.S. 90-171.27(d) and Board policy derived therefrom, a fee may be assessed for disciplinary matters. A Show Cause Hearing is considered a discipline action.

FAILURE TO RETURN THE ATTACHED PAGE WITHIN TEN (10) BUSINESS DAYS WILL RESULT IN THE LICENSEE WAIVING ALL RIGHTS TO CHALLENGE THE VALIDITY OF THIS ORDER OR TO ANY OTHER PROCEEDINGS TO WHICH THE LICENSEE MAY OTHERWISE BE ENTITLED BY LAW.

This the 9th day of May, 2013



Julia L. George, RN, MSN, FRE
Executive Director
North Carolina Board of Nursing

CERTIFIED TRUE COPY