



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. Roman*  
Executive Director of the Board

In the Matter of  
Permanent Registered Nurse  
License Number 807931 &  
Permanent Vocational Nurse  
License Number 203708  
Issued to FERNANDO NOEL LOZANO,  
Respondent

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

**ORDER OF TEMPORARY SUSPENSION**

TO: Fernando Noel Lozano  
3702 Tridens Trl.  
San Angelo, TX 76904

A public meeting of the Texas Board of Nursing was held on August 26, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 807931, and Permanent Vocational Nurse License Number 203708, issued to FERNANDO NOEL LOZANO 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 FERNANDO NOEL LOZANO 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:

**CHARGE I.**

On or about May 21, 2013, Respondent failed to repay his Texas Guaranteed Student Loan, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay his Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(7).

## CHARGE II.

On or about August 5, 2013, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing on May 14, 2013. Non-compliance is the result of Respondent's failure to abstain from alcohol in that he submitted a specimen for a random screen which resulted positive for ethyl glucuronide and ethyl sulfate, metabolites of alcohol. Stipulation Number Eight (8) of the Order dated May 14, 2013, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose...."

A copy of the Findings of Fact, Conclusions of Law and Order dated May 14, 2013, is 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)(1),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

## CHARGE III.

On or about August 12, 2013, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing on May 14, 2013. Non-compliance is the result of Respondent's failure to abstain from alcohol in that he submitted a specimen for a random screen which resulted positive for ethyl glucuronide and ethyl sulfate, metabolites of alcohol. Stipulation Number Eight (8) of the Order dated May 14, 2013, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose...."

A copy of the Findings of Fact, Conclusions of Law and Order dated May 14, 2013, is 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)(1),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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 FERNANDO NOEL LOZANO constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 807931, and Permanent Vocational Nurse License Number 203708, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 807931, and Permanent Vocational Nurse License Number 203708, issued to FERNANDO NOEL LOZANO, to practice nursing in the State of Texas be, and the same is/are, 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 61<sup>st</sup> day following the date of the entry of this order.

Entered this 26<sup>th</sup> day of August, 2013.

TEXAS BOARD OF NURSING

BY:

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

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Registered Nurse</b>	§	
<b>License Number 807931 &amp;</b>	§	
<b>Permanent Vocational Nurse</b>	§	
<b>License Number 203708</b>	§	
<b>Issued to FERNANDO NOEL LOZANO,</b>	§	
<b>Respondent</b>	§	<b>BOARD OF NURSING</b>

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, FERNANDO NOEL LOZANO, is a Registered Nurse holding License Number 807931 which is in current status at the time of this pleading, and is a Vocational Nurse holding License Number 203708, 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 May 21, 2013, Respondent failed to repay his Texas Guaranteed Student Loan, as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay his Texas Guaranteed Student Loan may have deprived other applicants of funds for nursing school loans.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(7).

**CHARGE II.**

On or about August 5, 2013, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing on May 14, 2013. Non-compliance is the result of Respondent's failure to abstain from alcohol in that he submitted a specimen for a random screen which resulted positive for ethyl glucuronide and ethyl sulfate, metabolites of alcohol. Stipulation Number Eight (8) of the Order dated May 14, 2013, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose...."

A copy of the Findings of Fact, Conclusions of Law and Order dated May 14, 2013, is 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)(1),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

### CHARGE III.

On or about August 12, 2013, Respondent failed to comply with the Agreed Order issued to him by the Texas Board of Nursing on May 14, 2013. Non-compliance is the result of Respondent's failure to abstain from alcohol in that he submitted a specimen for a random screen which resulted positive for ethyl glucuronide and ethyl sulfate, metabolites of alcohol. Stipulation Number Eight (8) of the Order dated May 14, 2013, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose...."

A copy of the Findings of Fact, Conclusions of Law and Order dated May 14, 2013, is 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)(1),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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](http://www.bon.texas.gov).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://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](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

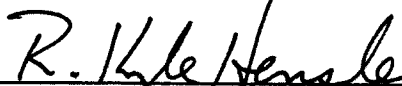
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated May 14, 2013 and March 21, 2006.

Filed this 26<sup>th</sup> day of August, 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

Attachments: Order of the Board dated May 14, 2013 and March 21, 2006

D/2012.06.19