



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 Thomas
Executive Director of the Board

In the Matter of
Permanent Vocational Nurse
License Number 196524
Issued to RICARDO MIGUEL PACHECO,
Respondent

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BEFORE THE TEXAS

BOARD OF NURSING

ORDER OF TEMPORARY SUSPENSION

TO: Ricardo Miguel Pacheco
c/o Lauro Bustamante, Attorney at Law
346 Laurelwood
San Antonio, Texas 78213

A public meeting of the Texas Board of Nursing was held on December 19, 2014 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 196524, issued to RICARDO MIGUEL PACHECO was considered pursuant to Section 301.455, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented information and evidence concerning the conduct of RICARDO MIGUEL PACHECO 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 August 15, 2014, while employed as a Licensed Vocational Nurse with Mission Trail Baptist Hospital, San Antonio, Texas, and assigned to the Emergency Department, Respondent exposed his genitals to Patient Medical Record Number 1422701528 several times and placed her hand on his penis. In addition, Respondent informed Patient Medical Record Number 1422701528, she was making him "hot", and advised her the interaction was confidential and therapeutic. Subsequently, when questioned by hospital staff, he admitted to exposing his genitals to Patient Medical Record Number 1422701528. Respondent's conduct was likely to cause emotional injury to the patient and could have interfered or disrupted this patient's treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(J), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C),(6)(D)&(6)(E).

CHARGE II.

On or about August 15, 2014, while employed as a Licensed Vocational Nurse with Mission Trail Baptist Hospital, San Antonio, Texas, and assigned to the Emergency Department, Respondent placed a Foley catheter in Patient Medical Record Number 1422701528 without a female present. Subsequently, Respondent told Patient Medical Record Number 1422701528 several times she was clean "down there." Respondent's conduct was likely to cause emotional injury to the patient and could have interfered or disrupted this patient's treatment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(J), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C),(6)(D)&(6)(E).


The Texas Board of Nursing further finds that, given the nature of the charges, the continued practice of nursing by RICARDO MIGUEL PACHECO constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 196524, is justified pursuant to Section 301.455, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 196524, issued to RICARDO MIGUEL PACHECO, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.455, 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 61st day following the date of the entry of this order.

Entered this 19th day of December, 2014.

TEXAS BOARD OF NURSING

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

D455(2014.12.05)

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 196524 §
Issued to RICARDO MIGUEL PACHECO, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RICARDO MIGUEL PACHECO, is a Vocational Nurse holding License Number 196524, which is in current 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.

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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).

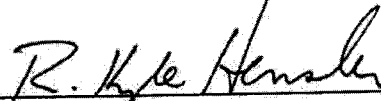
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Sexual Misconduct, which 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.

Filed this 19th day of December, 2014.

TEXAS BOARD OF NURSING



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