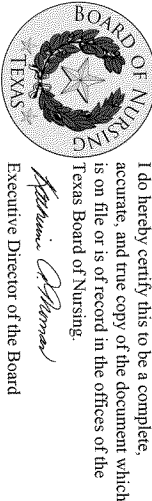


IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 658700
ISSUED TO JAIME FUENTES,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE



ORDER OF THE BOARD

TO: JAIME FUENTES
307 BROWN STREET
HUTTO, TX 78634

During open meeting held in Austin, Texas, on **May 12, 2015**, 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 Registered Nurse License Number 658700, previously issued to JAIME FUENTES, 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 **12th day of May, 2015.**

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 13, 2015.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 658700
Issued to JAIME FUENTES
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of May, 2015, 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

JAIME FUENTES
307 BROWN STREET
HUTTO, TX 78634

Via USPS First Class Mail

BY:



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

In the Matter of
Permanent Registered Nurse
License Number 658700
Issued to JAIME FUENTES,
Respondent

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAIME FUENTES, is a Registered Nurse holding License Number 658700, 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.

CHARGE I.

On or about December 1, 2000, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on or about March 18, 2000, in the County Court at Law No. 5, Travis County, Texas, under Cause No. 557176. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

CHARGE II.

On or about August 16, 2002, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense committed on or about February 6, 2002, in the County Court at Law No. 1, Cameron County, Texas, under Cause No. 02-CCR-1762-A. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of twelve (12) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months and ordered to pay a fine and court costs. On or about January 21, 2005, Respondent's probation in Cause No. 02-CCR-1762-A was REVOKED because Respondent failed to pay the associated fees and failed to report as required for five (5) separate months. As a result of the revocation, Respondent was sentenced to confinement in the Cameron County Jail for a period of ninety (90) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

CHARGE III.

On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of VIOLATION OF PROTECTIVE ORDER, a Class A misdemeanor offense committed on February 12, 2002, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 605937. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one hundred twenty (120) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code.

CHARGE IV.

On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of ASSAULT WITH INJURY (FAMILY VIOLENCE), a Class A committed on November 20, 2002, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 630434. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one hundred twenty (120) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

CHARGE V.

On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE LICENSE SUSPENDED, a Class B misdemeanor offense committed on January 4, 2003, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 631321. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one hundred twenty (120) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

CHARGE VI.

On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of RESISTING ARREST, a Class A misdemeanor offense committed on January 4, 2003, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 631322. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of one hundred twenty (120) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

CHARGE VII.

On or about February 18, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a 3rd Degree felony offense committed January 4, 2003, in the 331st District Court, Travis County, Texas, under Cause No. 200066. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice, Institutional Division; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of seven (7) years and ordered to pay a fine and court costs. Respondent was discharged from probation on March 8, 2010.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code.

CHARGE VIII.

On or about April 1, 2004, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE LICENSE SUSPENDED ENHANCED, a Class A misdemeanor offense committed on March 26, 2004, in the County Court at Law No. 3, Travis County, Texas, under Cause No. 665571. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of forty-five (45) days and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10).

CHARGE IX.

On or about November 11, 2004, Respondent submitted an Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

Respondent failed to disclose the following criminal offenses:

- A. On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of VIOLATION OF PROTECTIVE ORDER, a Class A misdemeanor offense committed on February 12, 2002, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 605937.

- B. On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of ASSAULT WITH INJURY (FAMILY VIOLENCE), a Class A committed on November 20, 2002, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 630434.
- C. On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE LICENSE SUSPENDED, a Class B misdemeanor offense committed on January 4, 2003, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 631321.
- D. On or about January 23, 2003, Respondent entered a plea of Nolo Contendere and was convicted of RESISTING ARREST, a Class A misdemeanor offense committed on January 4, 2003, in the County Court at Law No. 4, Travis County, Texas, under Cause No. 631322.
- E. On or about February 18, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a 3rd Degree felony offense committed January 4, 2003, in the 331st District Court, Travis County, Texas, under Cause No. 200066.
- F. On or about April 1, 2004, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE LICENSE SUSPENDED ENHANCED, a Class A misdemeanor offense committed on March 26, 2004, in the County Court at Law No. 3, Travis County, Texas, under Cause No. 665571.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(17),(22)&(23) (eff. 11/1/03).

CHARGE X.

On or about September 26, 2010, Respondent was arrested by the Round Rock Police Department, Round Rock, Texas, and subsequently charged under Cause No. 10-07326-2 for DRIVING W/LIC INV W/PREV CONV/SUSP W/O FIN RES, a Class B misdemeanor offense. On or about November 22, 2010, Respondent entered a plea of No Contest and was convicted of the reduced charge of DRIVING WHILE LICENSE INVALID, a Class C misdemeanor offense on September 26, 2010, in the County Court at Law No. 2, Williamson County, Texas, under Cause No. 10-07326-2. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

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(13).

CHARGE XI.

On or about December 6, 2010, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that, on or about September 26, 2010, he was arrested by the Round Rock Police Department, Round Rock, Texas, and subsequently charged under Cause No. 10-07326-2 for DRIVING W/LIC INV W/PREV CONV/SUSP W/O FIN RES, a Class B misdemeanor offense. On or about November 22, 2010, Respondent entered a plea of No Contest and was convicted of the reduced charge of DRIVING WHILE LICENSE INVALID, a Class C misdemeanor offense on September 26, 2010, in the County Court at Law No. 2, Williamson County, Texas, under Cause No. 10-07326-2.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE XII.

On or about August 25, 2011, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$50 <\$500, a Class B misdemeanor offense committed on February 15, 2011, in the County Court at Law No. 1, Williamson County, Texas, under Cause No. 11-01375-1. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of ten (10) days and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE XIII.

On or about March 1, 2012, Respondent entered a plea of Nolo Contendere and was convicted of THEFT BY SHOPLIFTING >\$50 <\$500, a Class B misdemeanor offense committed on or about February 25, 2012, in the County Court at Law No. 6, Travis County, Texas, under Cause No. C-1-CR-12-203209. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of forty (40) days.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE XIV.

On or about December 31, 2012, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose the following criminal offenses:

- A. On or about August 25, 2011, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$50<\$500, a Class B misdemeanor offense committed on February 15, 2011, in the County Court at Law No. 1, Williamson County, Texas, under Cause No. 11-01375-1.
- B. On or about March 1, 2012, Respondent entered a plea of Nolo Contendere and was convicted of THEFT BY SHOPLIFTING >\$50 <\$500, a Class B misdemeanor offense committed on or about February 25, 2012, in the County Court at Law No. 6, Travis County, Texas, under Cause No. C-1-CR-12-203209.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE XV.

On or about December 19, 2013, while utilizing the multi-state Nurse Licensure Compact privilege associated with his license to practice as a Registered Nurse in the State of Texas, and while employed as a Registered Nurse with Valley Hospital, Phoenix, Arizona, Respondent left his nursing

assignment without notifying the appropriate staff. Respondent was assigned to work on the 1 South Unit without clocking-out and did not return for one (1) hour and fifteen (15) minutes. Respondent's conduct was likely to injure patients in that leaving his nursing assignment could have resulted in Respondent's assigned patients not receiving the care that they needed.

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)(I), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(12).

CHARGE XVI.

On or about December 19, 2013, while utilizing the multi-state Nurse Licensure Compact privilege associated with his license to practice as a Registered Nurse in the State of Texas, and while employed as a Registered Nurse with Valley Hospital, Phoenix, Arizona, Respondent was observed on video surveillance failing to follow the National Patient Safety Goal and Medication Policy in that he did not use two (2) identifiers when administering medications to patient(s). Respondent's conduct was likely to injure the patients in that the improper administration medications could result in the patients suffering from adverse reactions.

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)(A),(1)(B)&(1)(C), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

CHARGE XVII.

On or about December 19, 2013, while utilizing the multi-state Nurse Licensure Compact privilege associated with his license to practice as a Registered Nurse in the State of Texas, and while employed as a Registered Nurse with Valley Hospital, Phoenix, Arizona, Respondent failed to follow Physician's Orders in that he administered medications to patients two (2) hours past due. Additionally, Patient MA stated that Respondent gave him the wrong medication, and the patient subsequently signed paperwork to leave against medical advice (AMA) due to Respondent's "un-professionalism." Respondent's conduct was likely to injure the patients in that the late administration of medications could result in the patients suffering from adverse reactions.

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)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

CHARGE XVIII.

On or about December 19, 2013, while utilizing the multi-state Nurse Licensure Compact privilege associated with his license to practice as a Registered Nurse in the State of Texas, and while employed as a Registered Nurse with Valley Hospital, Phoenix, Arizona, Respondent withdrew medications, including Trazadone, Metoprolol, Simvastatin, Clonazepam and Luensta, from the Medication Room for patients, but failed to document, or completely and accurately document, the

administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Additionally, Respondent left the medication room "in disarray" and several souffle cups and pills found on the floor. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose. Respondent's conduct also placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

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)(A),(1)(B),(1)(C)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(11)(B).

CHARGE XIX.

On or about December 19, 2013, while utilizing the multi-state Nurse Licensure Compact privilege associated with his license to practice as a Registered Nurse in the State of Texas, and while employed as a Registered Nurse with Valley Hospital, Phoenix, Arizona, Respondent lacked fitness to practice nursing in that he exhibited impaired behaviors, including acting bizarre, slurring his words, and being rude, argumentative and unprofessional. Additionally, Respondent refused to undergo a drug screen for reasonable suspicion. Respondent's condition could have impaired his ability to recognize subtle signs, symptoms, or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

~~The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5).~~

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 and TEX. OCC. CODE Ch. 53. 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).

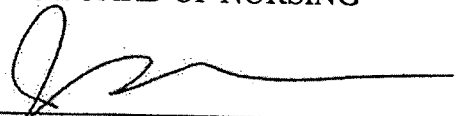
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, 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 13 day of March, 20 15

TEXAS BOARD OF NURSING


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Board Certified - Administrative Law
Texas Board of Legal Specialization
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