



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.
Executive Director of the Board

IN THE MATTER OF § BEFORE THE TEXAS
PERMANENT CERTIFICATE §
NUMBER 185669 §
ISSUED TO §
MARIO QUINTERO § BOARD OF NURSING

NUNC PRO TUNC ORDER OF THE BOARD

TO: Mario Quintero
1018 Spence St.
Austin, TX 78702

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Agreed Order of the Board was entered and ratified on behalf of the Board for Mario Quintero. However, the Order contained a typographical error in Mr. Quintero's license number throughout the Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein invalidates the Agreed Order of the Board that contained the typographical error and submits and enters the corrected Agreed Order of the Board. Respondent received due process regarding his license; therefore, his rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective November 2, 2005.

Entered this 8th day of March 2013.

TEXAS BOARD OF NURSING

BY:

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse
License Number 185669
issued to MARIO QUINTERO

§
§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARIO QUINTERO, Vocational Nurse License Number 185669, hereinafter referred to as Respondent.

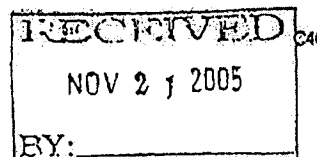
Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(9) & (10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on October 31, 2005, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived informal conference, 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 Valley Grande School of Health & Technology, Weslaco, Texas, in July 2001. Respondent was licensed to practice vocational nursing in the State of Texas in October 2002.
5. Respondent's vocational nursing employment history includes:

10/02 - 2/04	Staff Nurse	Cornerstone Hospital of Austin Austin, Texas
2/04 - 2/05	Staff Nurse	Southwood Care Center Austin, Texas

185699-013



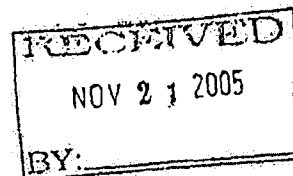
Respondent's vocational nursing employment history continued:

2/05 - present Staff Nurse Walnut Hill Convalescent Center
Austin, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Cornerstone Hospital of Austin, Austin, Texas, and had been in this position for one (1) year and two (2) months.
7. On or about February 9, 2004, while employed at the Cornerstone Hospital of Central Texas, Austin, Texas, Respondent engaged in the intemperate use of Cocaine in that Respondent produced a specimen for a drug screen which resulted positive for Cocaine. The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
10. The Board of Nurse Examiners for the State of Texas filed Formal Charges on December 3, 2004 and mailed to Respondent on December 6, 2004.
11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 302.402(a)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(10) & (28).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185669, heretofore issued to MARIO QUINTERO.



5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of discipline or sanction under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred and fifty dollars (\$350) payable to TPAPN.

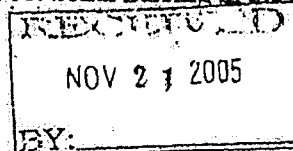
(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice vocational nursing in the State of



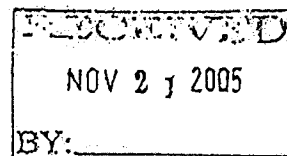
Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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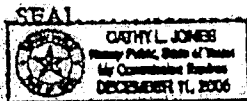
RESPONDENT'S CERTIFICATION

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 alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, and 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 to practice vocational nursing in the State~~ of Texas, as a consequence of my noncompliance.

Signed this 2nd day of November, 2005.

Mario Quintero
MARIO QUINTERO, Respondent

Sworn to and subscribed before me this 2nd day of November, 2005.

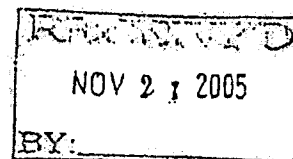


Cathy L. Jones
Notary Public in and for the State of Texas

Approved as to form and substance.

John Rivas
John Rivas, Attorney for Respondent

Signed this 2nd day of November, 2005.

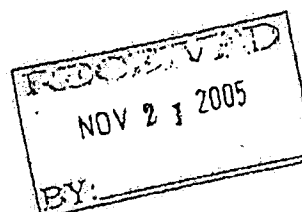


WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 2nd day of November, 2005, by MARIO QUINTERO, Vocational Nurse License Number 185669, and said Order is final.

Entered and effective this 2nd day of November, 2005.



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



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse §
License Number 185699 § AGREED
issued to MARIO QUINTERO § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MARIO QUINTERO, Vocational Nurse License Number 185699, hereinafter referred to as Respondent.

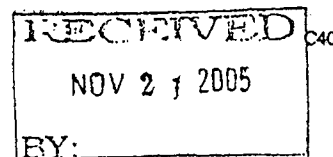
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FINDINGS OF FACT

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185699-013



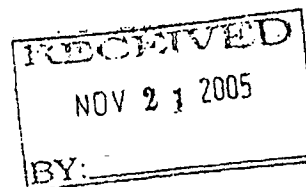
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ORDER

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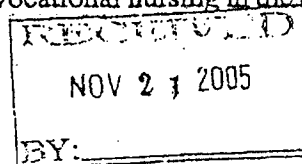
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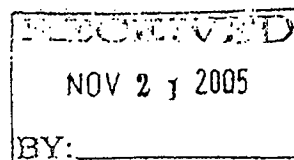
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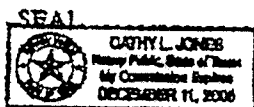
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Signed this 2nd day of November, 2005.

Mario Quintero
MARIO QUINTERO, Respondent

Sworn to and subscribed before me this 2nd day of November, 2005.

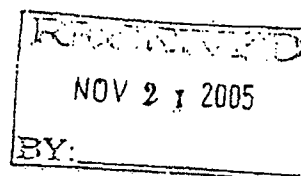


Cathy L. Jones
Notary Public in and for the State of Texas

Approved as to form and substance.

John Rivas
John Rivas, Attorney for Respondent

Signed this 2nd day of November, 2005.



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 2nd day of November, 2005, by MARIO QUINTERO, Vocational Nurse License Number 185699, and said Order is final.

Entered and effective this 2nd day of November, 2005.



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

