

Petitioner's nursing employment history continued:

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|-------------|-------------------------|---|
| 3/11 - 6/11 | Staff Nurse | Allegiance Specialty Hospital Midland, Texas |
| 6/11 - 8/13 | Staff Nurse | Fresenius Dialysis Center Midland, Texas |
| 9/13 - 8/14 | Not employed in nursing | |

5. On August 19, 2014, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the August 19, 2014, Order of the Board and Formal Charges is attached and incorporated, by reference, as a part of this Order.
6. On or about July 31, 2015, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
 - 7.1. Motion to Dismiss, dated March 17, 2015, related to Cause No. CR41029.
 - 7.2. Letter, dated February 21, 2014, from Roy J. Mathew, MD, Midland, Texas. Dr. Mathew states he saw Petitioner on February 8, 2012, for a psychiatric evaluation at his clinic. Petitioner presented with complaints of depression caused by an affair between his wife and one of her male coworkers. Upon learning about the affair Petitioner became very distraught and attempted suicide. A friend stopped him from going through with it. Petitioner saw Dr. Shanti Tharmkom who diagnosed him with Bipolar Disorder and started him on bipolar medication to which he showed minimal response. While Petitioner had symptoms of depression and anxiety there was no history at all of such manic symptoms as over activity, over-talkativeness, euphoria, restlessness, grandiosity, excessive spending, hyper-sexuality, etc. in the past and did not manifest any when Dr. Mathew saw him. Petitioner was very anxious and was experiencing unprovoked panic attacks. There was only a single suicidal attempt that was mentioned above. Petitioner never had such psychotic symptoms as hallucinations and delusions. The primary diagnosis was one of Adjustment Disorder with Depressed Mood (secondary to marital problems). Petitioner responded well to medication. Initially, Dr. Mathew saw Petitioner every 2 weeks and that decreased to every 3 weeks, and finally to every 4 weeks. Dr. Mathew and Petitioner decided to stop all medicines on September 20, 2013 as Petitioner was symptom free for over 6 months. During the period Petitioner was under Dr. Mathew's care (June 8, 2012 through December 13, 2013), he never observed any symptom suggestive of mania. After Dr. Mathew discontinued all medicines he saw Petitioner on December 13, 2013 and two weeks prior to this letter being written. Petitioner maintained improvement after his discharge on September 20, 2013. Dr. Mathew concludes Petitioner carries a good prognosis and he would expect him to do well.

- 7.3. Letter to Petitioner, from Linda McGuire Dreyer, CNM, MSN, Midland Community Healthcare Services, Midland, Texas. Ms. Dreyer is Petitioner's mother-in-law. She apologizes for her daughter's behavior and mental problems and for not believing Petitioner when he told her 3 years previously that her daughter needed institutional evaluation. Ms. Dreyer hopes Petitioner can forgive her for not being able to help her daughter get the mental help she needs. She ends her letter that she is sad for Petitioner and for herself over this.
- 7.4. Documentation of the required continuing education contact hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of ORLANDO OCTAVION OCHOA, Registered Nurse License Number 790948, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, §301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to ORLANDO OCTAVION OCHOA, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure.

Board-approved courses may be found at the following Board website address:

<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

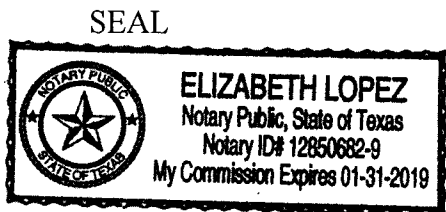
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

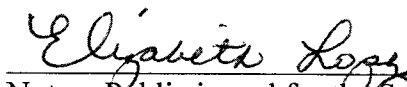
Signed this 18 day of February, 2016.



ORLANDO OCTAVION OCHOA, Petitioner

Sworn to and subscribed before me this 18 day of February, 2016.





Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 18th day of February, 2016, by ORLANDO OCTAVION OCHOA, Registered Nurse License Number 790948, and said Order is final.

Effective this 21st day of April, 2016.



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



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 O'Malley
Executive Director of the Board

IN THE MATTER OF §
PERMANENT REGISTERED NURSE §
LICENSE NUMBER 790948 §
ISSUED TO §
ORLANDO OCTAVION OCHOA §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: ORLANDO OCTAVION OCHOA
4715 THOMASON DR.
MIDLAND, TX 79703

During open meeting held in Austin, Texas, on Tuesday, August 19, 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 Registered Nurse License Number 790948, previously issued to ORLANDO OCTAVION OCHOA, to practice nursing in the State of Texas be, and the same is 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 19th day of August, 2014.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed June 27, 2014.

Re: Permanent Registered Nurse License Number 790948
Issued to ORLANDO OCTAVION OCHOA
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20 day of August, 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

ORLANDO OCTAVION OCHOA
4715 THOMASON DR.
MIDLAND, TX 79703

Via USPS First Class Mail

ORLANDO OCTAVION OCHOA
4715 THOMASON DR.
MIDLAND, TX 79703



BY:

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

| | | |
|------------------------------------|---|------------------|
| In the Matter of | § | BEFORE THE TEXAS |
| Permanent Registered Nurse | § | |
| License Number 790948 | § | |
| Issued to ORLANDO OCTAVION OCHOA, | § | |
| a/k/a ORLANDO O. OCHOA, Respondent | § | BOARD OF NURSING |

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ORLANDO OCTAVION OCHOA, a/k/a ORLANDO O. OCHOA, is a Registered Nurse holding License Number 790948, 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 May 21, 2012, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which he answered "Yes" to the question: "In the past 5 years, have you been diagnosed with or treated for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"

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).

CHARGE II.

On or about March 24, 2012, Respondent committed three (3) acts of sexual assault. On or about February 21, 2013, Respondent was arrested by the Midland County Sheriff's Department, and charged with THREE (3) COUNTS SEXUAL ASSAULT, 2nd Degree Felony offenses, in the 441st District Court, Midland County, Texas, under Cause No. CR41029.

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(6)(C).

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, which can be found at the Board's website, www.bon.texas.gov.~~

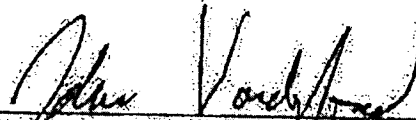
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 26 day of June, 2014.

TEXAS BOARD OF NURSING



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