



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.  
*William O'Hanrahan*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

|                                   |   |               |
|-----------------------------------|---|---------------|
| In the Matter of Registered Nurse | § | REINSTATEMENT |
| License Number: 729127            | § |               |
| issued to JAIME CANTU             | § | AGREED ORDER  |

On this day came to be considered by the Texas Board of Nursing, herei referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 729127, held by JAIME CANTU, hereinafter referred to as Petitioner.

A reinstatement informal conference was conducted on January 12, 2016, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person. Petitioner was represented by Nancy Roper Willson, Attorney at Law.

### FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from San Jacinto College, Pasadena, Texas, on May 12, 2006. Petitioner was originally licensed to practice professional nursing in the State of Texas on June 20, 2006.
4. Petitioner's nursing employment history includes:

|              |                |   |
|--------------|----------------|---|
| 5/05 - 10/10 | GN/Staff Nurse | Clear Lake Regional Hospital<br>Webster, Texas            |
| 3/09 - 4/13  | Staff Nurse    | St. Luke's Episcopal Hospital<br>Houston, Texas           |
| 8/09 - 10/09 | Staff Nurse    | University of Texas Medical<br>Branch<br>Galveston, Texas |
| 6/13 - 7/15  | Staff Nurse    | O'Connor Hospital<br>San Jose, California                 |

Petitioner's nursing employment history continued:

8/15 - present

Instructor

Heartshare Training Services  
San Jose, California

5. On February 11, 2014, Petitioner's license to practice professional nursing in the State of Texas was revoked through an Order of the Board. A copy of the February 11, 2014, Order of the Board is attached and incorporated herein by reference as a part of this Order.
6. On February 3, 2016, Petitioner's license to practice professional nursing in the State of California was placed on Probation for a period of three (3) years. A copy of the February 3, 2016, Stipulated Settlement and Disciplinary Order is attached and incorporated, by reference, as part of this Order.
7. On March 24, 2016, the Petitioner's probationary terms were modified by the Board of Registered Nursing, Sacramento, California. A copy of the letter specifying the modified conditions is attached and incorporated, by reference, as part of this Order.
8. On or about July 23, 2015, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
9. Petitioner presented the following in support of her petition:
  - 9.1. Addiction and Mental Health Evaluation, dated June 23, 2015, from Stephen F. Grinstead, Dr. AD, LMFT, Sacramento, California. Dr. Grinstead states he met with Petitioner on June 3, 2015, at the request of his attorney, Zachery Schultz, to conduct an addiction and mental health assessment, as well as give his opinion whether or not he has any signs of substance use or mental health disorder. Dr. Grinstead does not believe Petitioner needs any type of monitoring program or on probation status for mental health or substance use disorders and he should be allowed to remain a licensed registered nurse. Dr. Grinstead considers him safe to be working with the public as a licensed RN at this time as determined by his assessments regarding no evidence of any substance use disorders, nor any serious mental health disorders, as well as collaborating endorsements from his letters of support and a very positive job performance evaluation.
  - 9.2. Letter of support, dated June 17, 2015, from Tetyana Muirhead, MS, MA, MPH, BA, BSN, RN, Lieutenant, US Navy Nursing Corps, stating she has known Petitioner for over (5) five years and knows him as an outstanding nurse, talented educator, and selfless mentor within the nursing community. Ms. Muirhead began her nursing career in the Emergency Department at St. Luke's Episcopal Hospital in Houston, Texas, under Petitioner's guidance and mentorship and has exclusively words of praise and gratitude to express. She states Petitioner's limitless patience, clinical expertise and devotion to spotless nursing practice made her a better nurse and motivated her to seek a career in military medicine. Ms. Muirhead is also aware

Petitioner is a wonderful father and humanitarian, who is highly regarded within and outside nursing community.

- 9.3. Letter of support, from Sandie Hathcoat, BSN, Cherokee Nation Senior Director of Health Services, Sacramento, California, stating she has known Petitioner since 2005. She has known him in a professional and personal capacity. Ms. Hathcoat states she became acquainted with Petitioner when he started working as a RN at Clear Lake Regional Hospital Emergency Department. Petitioner started as a brand new nurse and excelled. His strong work ethic and his incredible motivation to learn and grow within his profession made him an invaluable team member and employee. Ms. Hathcoat and Petitioner became friends through their professional connection and one of the most endearing qualities to her was the fact that he was a family man. On a personal level, Ms. Hathcoat thinks of Petitioner as a very hard working, morally and ethically sound man; professionally, he is very clinically strong, dependable professional.
- 9.4. Letter of support, dated April 30, 2015, from Marco R. Randazzo M.D., FACEP, Emergency Department Staff Physician, O'Connor Hospital, San Jose, California, stating he worked with Petitioner for the past two (2) years and is writing this letter to convey his impression of him as a nurse and individual. Petitioner approaches his job with extreme dedication and care. He fulfills the orders delegated to him with expediency and efficiency. Dr. Randazzo has found that Petitioner can be trusted to accurately update him on responses to therapy and changes in patient status. He describes Petitioner as a hard working, caring individual who can be counted on to perform his duties conscientiously.
- 9.5. Letter of support, dated April 24, 2015, from Travis J. Heining, M.S., Emergency Department, O'Connor Hospital, San Jose, California, stating he has worked closely with Petitioner for the last two (2) years and in his decade with the facility, he has not encountered a better nurse than Petitioner. His experience has taught him to trust Petitioner's clinical judgment. Dr. Heining explains if he could clone Petitioner multiple times, they could have the best ER in the state.
- 9.6. Letter of support, dated March 30, 2015, from Nancy D. Kumar, RN, ED, O'Connor Hospital, San Jose, California, stating she works with Petitioner in the Emergency Department at O'Connor Hospital, and she has the utmost confidence in Petitioner. He has changed his assignments many times so that he could take care of a critically ill patient, and he does so without hesitation. She has also asked to have Petitioner to teach procedures during competency because of his vast knowledge in critical care. Petitioner is always performing at an elevated level and he is truly an individual Dr. Kumar enjoys working with and trusts wholeheartedly.
- 9.7. Letter of support, from Diane Satoda, RN, ED, O'Connor Hospital, San Jose, California, stating she met Petitioner when he started working a few years ago. She has found him to be a courteous, kind and caring co-worker. He often offers to assist her with her patients with tasks to give patients shorter wait times and with

translation when she has Spanish-speaking patients so they have a more personal experience. Ms. Satoda describes Petitioner as having a very easy going disposition and a calming presence.

- 9.8. Letter of support, from Juncy David, RN Charge nurse; ED, O'Connor Hospital, San Jose, California, stating he considers Petitioner a close friend and like a younger brother. Petitioner is an amazing father and works hard to give his children a good life. He is always willing to come in early or stay late to help out. Petitioner volunteers to translate for patients. Mr. David believes Petitioner is very responsible of his reputation as a person, father and nurse. He is an attentive and caring nurse, and a wonderful father and a great friend.
- 9.9. Documentation of the required continuing education contact hours.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Tex. Admin. Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character and relicensure.
11. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
12. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

#### 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.
3. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Tex. Admin. Code §213.27, and pursuant to 22 Tex. Admin. Code §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

## TERMS OF ORDER

### **I. REINSTATEMENT OF LICENSURE**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of JAIME CANTU for reinstatement of license to practice nursing in the state of Texas be **GRANTED** and Registered Nurse License Number 729127 is hereby **REINSTATED** in accordance with the terms of this Order.

### **II. COMPLIANCE WITH LAW AND APPLICABILITY**

While under the terms of this Order, PETITIONER agrees to obtain, read, and comply 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 this Order.

- A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- B. This Order SHALL be applicable to PETITIONER's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. PETITIONER may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where PETITIONER wishes to work.

### **III. REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) within one (1) year of relicensure, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.

- B. 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/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. Indirect Supervision:** For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

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 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.

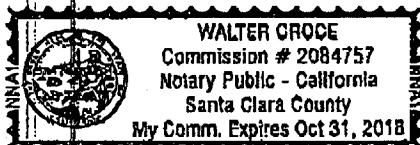
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms 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 9 day of May, 2016.

Jaime Cantu  
JAIME CANTU, Petitioner

Sworn to and subscribed before me this 09<sup>th</sup> day of May, 2016

SEAL



Walter Groce  
Notary Public in and for the State of CALIFORNIA

Approved as to form and substance.

Nancy Roper Willson  
Nancy Roper Willson, Attorney for Petitioner

Signed this 9<sup>th</sup> day of May, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of May, 2016, by JAIME CANTU, Registered Nurse License Number 729127, and said Order is final.

Effective this 14th day of June, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

IN THE MATTER OF  
PERMANENT REGISTERED NURSE  
LICENSE NUMBER 729127  
ISSUED TO  
JAIME CANTU

§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: Jaime Cantu  
552 East Parktown  
Deer Park, Texas 77536

During open meeting held in Austin, Texas, on Tuesday, February 11, 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.

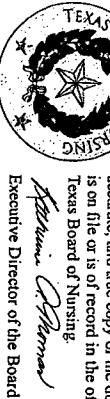
The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, 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 729127, previously issued to JAIME CANTU, 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 11th day of February, 2014.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charges filed November 22, 2013.

|                            |   |                  |
|----------------------------|---|------------------|
| In the Matter of           | § | BEFORE THE TEXAS |
| Permanent Registered Nurse | § |                  |
| License Number 729127      | § |                  |
| Issued to JAIME CANTU,     | § |                  |
| Respondent                 | § | BOARD OF NURSING |

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAIME CANTU, is a Registered Nurse holding License Number 729127, 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 February 7, 2013, while employed as a Registered Nurse with St. Luke's Episcopal Hospital, Houston, Texas, Respondent withdrew two (2) Acetaminophen/Hydrocodone 325/5mg tablets, from the Medication Dispensing System for Patient Account Number 1303800723, without valid physicians' orders, as follows:

| Date   | Patient    | Physician's Order    | Medication Dispensing System<br>(AcuDose)<br><br>Time and Quantity | MAR            | Wastage            |
|--------|------------|----------------------|--|----------------|--------------------|
| 2-7-13 | 1303800723 | No Physicians' Order | Acetaminophen/hydrocodone<br>325/5mg<br><br>1710      2 Tablets    | Not Documented | None<br>Documented |

Respondent's conduct was likely to injure the patient, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct 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) and 217.12(1)(A),(4)&(11)(B).

## CHARGE II.

On or about September 28, 2012, through March 18, 2013, while employed as a Registered Nurse with St. Luke's Episcopal Hospital, Houston, Texas, Respondent withdrew two (2) Acetaminophen/Hydrocodone 325/5mg tablets, from the Medication Dispensing System for Patient Account Number 1303800723, but failed to document, or accurately and completely document the administration of the medications in the patients' Medication Administration Record (MAR), as follows:

| Date   | Patient    | Physician's Order    | Medication Dispensing System<br>(AcuDose)<br><br>Time and Quantity | MAR            | Wastage            |
|--------|------------|----------------------|--|----------------|--------------------|
| 2-7-13 | 1303800723 | No Physicians' Order | Acetaminophen/hydrocodone<br>325/5mg<br><br>1710 2 Tablets         | Not Documented | None<br>Documented |

Respondent's conduct created inaccurate medical records and was likely to injure the patient, in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose. Furthermore, Respondent's conduct 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)(D) and 217.12(1)(A),(1)(C),(4)&(11)(B).

## CHARGE III.

On or about September 28, 2012, through March 18, 2013, while employed as a Registered Nurse with St. Luke's Episcopal Hospital, Houston, Texas, Respondent withdrew Lorazepam, Morphine Sulfate, Hydromorphone, Clonidine, Midazolam and Acetaminophen/Hydrocodone from the Medication Dispensing System for Patients Account Numbers 1227200163, 1227800625, 1230300169, 1232600277, 1300100694, 1303800723, 1306300142 and 1307700941, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications, as follows:

| Date    | Patient    | Physician's Order          | Medication Dispensing System<br>(AcuDose)<br><br>Time and Quantity | MAR  | Wastage            |
|---------|------------|----------------------------|--|--|--------------------|
| 9-28-12 | 1227200163 | Ativan 1mg IV              | Lorazepam 2mg/ml<br><br>0859 1 Injection                           | Ativan 1mg IV<br>given @ 0918              | None<br>Documented |
| 9-28-12 | 1227200163 | Morphine Sulfate<br>4mg IV | Morphine Sulfate 10mg/ml<br><br>0859 1 Syringe                     | Morphine Sulfate<br>4mg IV<br>given @ 0919 | None<br>Documented |
| 9-28-12 | 1227200163 | Dilaudid 1mg IV            | Hydromorphone HCL 2mg/ml<br><br>1341 1 Injection                   | Dilaudid 1mg IV<br>given @ 1346            | None<br>Documented |

|          |            |                            |  |  |                    |
|----------|------------|----------------------------|--|--|--------------------|
| 10-4-12  | 1227800625 | Dilaudid 1mg IV            | Hydromorphone HCL 2mg/ml<br>1433 1 Injection           | Dilaudid 1mg IV<br>given @ 1444            | None<br>Documented |
| 10-29-12 | 1230300169 | Morphine Sulfate<br>4mg IV | Morphine Sulfate 10mg/ml<br>0725 1 Syringe             | Morphine Sulfate<br>4mg IV<br>given @ 0732 | None<br>Documented |
| 10-29-12 | 1230300169 | Morphine Sulfate<br>4mg IV | Morphine Sulfate 10mg/ml<br>0900 1 Syringe             | Morphine Sulfate<br>4mg IV<br>given @ 0903 | None<br>Documented |
| 10-29-12 | 1230300169 | Ativan 1mg IV              | Lorazepam 2mg/ml<br>1019 1 Injection                   | Ativan 1mg IV<br>given @ 1026              | None<br>Documented |
| 10-29-12 | 1230300169 | Clonidine 0.1mg tab po     | Clonidine 0.1mg<br>1214 2 Tablets                      | Clonidine 0.1mg<br>tab po given<br>@ 1218  | None<br>Documented |
| 11-21-12 | 1232600277 | Ativan 1mg IV              | Lorazepam 2mg/ml<br>1213 1 Injection                   | Ativan 1mg IV<br>given @ 1225              | None<br>Documented |
| 1-1-13   | 1300100694 | Midazolam 4mg IV           | Midazolam 5mg/5ml<br>1557 1 Injection                  | Midazolam 4mg<br>IV given @ 1653           | None<br>Documented |
| 2-7-13   | 1303800723 | No Physicians' Order       | Acetaminophen/hydrocodone<br>325/5mg<br>1710 2 Tablets | Not Documented                             | None<br>Documented |
| 3-4-13   | 1306300142 | Morphine Sulfate 2mg<br>IV | Morphine Sulfate 10mg/ml<br>0730 1 Syringe             | Morphine Sulfate<br>2mg IV<br>given @ 0739 | None<br>Documented |
| 3-18-13  | 1307700941 | Morphine Sulfate 1mg<br>IV | Morphine Sulfate 2mg/ml<br>1700 1 Syringe              | Morphine Sulfate<br>1mg IV<br>given @ 1709 | None<br>Documented |

Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy 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) and 217.12(10)(C)&(11)(B).

#### CHARGE IV.

On or about September 28, 2012, while employed as a Registered Nurse with St. Luke's Episcopal Hospital, Houston, Texas, Respondent provided the name and medical information of Patient Account Number 1227200163 to his spouse via electronic mail. Respondent's conduct exposed the patients unnecessarily to a risk of harm from disclosure of their confidential medical information without written authorization.

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 §217.12(1)(A).

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, and for Fraud, Theft and Deception, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

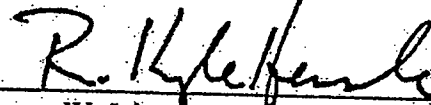
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 22<sup>nd</sup> day of November, 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 R. Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

R. Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6811

F: (512) 305.8101/305-7401

D/2012.06.19

Re: Permanent Registered Nurse License Number 729127  
Issued to JAIME CANTU  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of February, 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

Jaime Cantu  
552 East Parktown  
Deer Park, Texas 77536

BY:



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

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JAIME CANTU**  
**384 Leigh Avenue**  
**San Jose, CA 95128**

**Registered Nurse License No. 842065**

Respondent

Case No. 2015-396

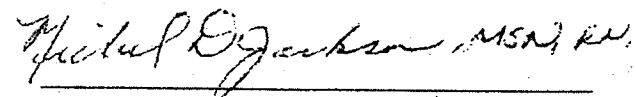
OAH No. 2014120497

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 03, 2016.

IT IS SO ORDERED January 04, 2016.



Michael D. Jackson, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 LORETTA A. WEST  
Deputy Attorney General  
4 State Bar No. 149294  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2107  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

Case No. 2015-396

13 **JAIME CANTU**  
384 Leigh Avenue  
14 San Jose, CA 95128-2322

OAH No. 2014120497

15 Registered Nurse License No. 842065

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 Respondent.

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Registered Nursing of the Department of Consum  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Accusation.

23 **PARTIES**

24 Louise R. Bailey, M.Ed., RN ("Complainant") is the Executive Officer of the Board  
25 of Registered Nursing. She brought this action solely in her official capacity and is represented  
26 this matter by Kamala D. Harris, Attorney General of the State of California, by Loretta A. West,  
27 Deputy Attorney General.

28 ///

2. Respondent Jaime Cantu is represented in this proceeding by attorney Zachary T. Schultz, whose address is: 765 University Avenue, Sacramento, CA 95825.

3. On or about May 7, 2013, the Board of Registered Nursing issued Registered Nurse License No. 842065 to Jaime Cantu (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2015-396 and will expire on September 30, 2016, unless renewed.

#### JURISDICTION

4. On November 19, 2014, Accusation No. 2015-396 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 19, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2015-396 is attached as exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2015-396. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Discipline Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 2015-396.

4 10. Respondent agrees that his Registered Nurse License is subject to discipline and he  
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order before  
6

6 RESERVATION

7 11. The admissions made by Respondent herein are only for the purposes of this  
8 proceeding, or any other proceedings in which the Board of Registered Nursing or other  
9 professional licensing agency in California is involved, and shall not be admissible in any other  
10 criminal, civil, or administrative proceeding.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board of Registered Nursing.  
13 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
14 Registered Nursing may communicate directly with the Board regarding this stipulation and  
15 settlement, without notice to or participation by Respondent or his counsel. By signing the  
16 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
17 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
18 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
19 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
20 action between the parties, and the Board shall not be disqualified from further action by having  
21 considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
24 signatures thereto, shall have the same force and effect as the originals.

25 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be a  
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Board may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Registered Nurse License No. 842065 issued to  
8 Respondent Jaime Cantu (Respondent) is revoked. However, the revocation is stayed and  
9 Respondent is placed on probation for three (3) years on the following terms and conditions.

10 **Severability Clause.** Each condition of probation contained herein is a separate and  
11 distinct condition. If any condition of this Order, or any application thereof, is declared  
12 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
13 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
14 and enforceable to the fullest extent permitted by law.

15 **1. Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
16 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
17 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
18 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
19 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
20 application process.

21 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
22 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
23 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

24 **2. Comply with the Board's Probation Program.** Respondent shall fully comply with  
25 the conditions of the Probation Program established by the Board and cooperate with  
26 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
27 with the Board's Probation Program. Respondent shall inform the Board in writing within no

28 ///

1 more than 15 days of any address change and shall at all times maintain an active, current license  
2 status with the Board, including during any period of suspension.

3 Upon successful completion of probation, Respondent's license shall be fully restored.

4 **3. Report in Person.** Respondent, during the period of probation, shall appear in  
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or  
7 practice as a registered nurse outside of California shall not apply toward a reduction of this  
8 probation time period. Respondent's probation is tolled, if and when he resides outside of  
9 California. Respondent must provide written notice to the Board within 15 days of any change of  
10 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where he has ever been licensed  
13 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
14 information regarding the status of each license and any changes in such license status during the  
15 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
16 license during the term of probation.

17 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
18 or cause to be submitted such written reports/declarations and verification of actions under  
19 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
20 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
21 Respondent shall immediately execute all release of information forms as may be required by the  
22 Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
24 state and territory in which he has a registered nurse license.

25 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
26 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
27 6 consecutive months or as determined by the Board.

28 ///



1 For purposes of compliance with the section, "engage in the practice of registered nursing"  
2 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
3 non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice nursing  
5 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

6 If Respondent has not complied with this condition during the probationary term, and  
7 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
8 condition, and if no other conditions have been violated, the Board, in its discretion, may grant a  
9 extension of Respondent's probation period up to one year without further hearing in order to  
10 comply with this condition. During the one year extension, all original conditions of probation  
11 shall apply.

12 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
13 prior approval from the Board before commencing or continuing any employment, paid or  
14 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
15 performance evaluations and other employment related reports as a registered nurse upon request  
16 of the Board.

17 Respondent shall provide a copy of this Decision to his employer and immediate  
18 supervisors prior to commencement of any nursing or other health care related employment.

19 In addition to the above, Respondent shall notify the Board in writing within seventy-two  
20 (72) hours after he obtains any nursing or other health care related employment. Respondent  
21 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated  
22 regardless of cause, from any nursing, or other health care related employment with a full  
23 explanation of the circumstances surrounding the termination or separation.

24 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
25 Respondent's level of supervision and/or collaboration before commencing or continuing any  
26 employment as a registered nurse, or education and training that includes patient care.

27 Respondent shall practice only under the direct supervision of a registered nurse in good  
28 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods

1 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
2 approved.

3 Respondent's level of supervision and/or collaboration may include, but is not limited to the  
4 following:

5 (a) Maximum - The individual providing supervision and/or collaboration is present in  
6 the patient care area or in any other work setting at all times.

7 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
8 care unit or in any other work setting at least half the hours Respondent works.

9 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
10 person communication with Respondent at least twice during each shift worked.

11 (d) Home Health Care - If Respondent is approved to work in the home health care  
12 setting, the individual providing supervision and/or collaboration shall have person-to-person  
13 communication with Respondent as required by the Board each work day. Respondent shall  
14 maintain telephone or other telecommunication contact with the individual providing supervision  
15 and/or collaboration as required by the Board during each work day. The individual providing  
16 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
17 patients' homes visited by Respondent with or without Respondent present.

18 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
19 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
20 or for an in-house nursing pool.

21 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
22 registered nursing supervision and other protections for home visits have been approved by the  
23 Board. Respondent shall not work in any other registered nursing occupation where home visits  
24 are required.

25 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
26 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
27 and/or unlicensed assistive personnel on a case-by-case basis.

28 ///

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

**10. Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

**11. Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

**12. Violation of Probation.** If Respondent violates the conditions of his probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's license.

1 If during the period of probation, an accusation or petition to revoke probation has been  
2 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
3 an accusation or petition to revoke probation against Respondent's license, the probationary  
4 period shall automatically be extended and shall not expire until the accusation or petition has  
5 been acted upon by the Board.

6 **13. License Surrender.** During Respondent's term of probation, if he ceases practicing  
7 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
8 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
9 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
10 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
11 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer  
12 subject to the conditions of probation.

13 Surrender of Respondent's license shall be considered a disciplinary action and shall  
14 become a part of Respondent's license history with the Board. A registered nurse whose license  
15 has been surrendered may petition the Board for reinstatement no sooner than the following  
16 minimum periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any reason other  
18 than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 **14. Physical Examination.** Within 45 days of the effective date of this Decision,  
21 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
22 assistant, who is approved by the Board before the assessment is performed, submit an  
23 assessment of the Respondent's physical condition and capability to perform the duties of a  
24 registered nurse, including a determination as set forth below in the condition titled "Rule-Out  
25 Substance Abuse Assessment." Such an assessment shall be submitted in a format acceptable to  
26 the Board. If medically determined, a recommended treatment program will be instituted and  
27 followed by the Respondent with the physician, nurse practitioner, or physician assistant  
28 providing written reports to the Board on forms provided by the Board.

1 If Respondent is determined to be unable to practice safely as a registered nurse, the  
2 licensed physician, nurse practitioner, or physician assistant making this determination shall  
3 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
4 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
5 immediately cease practice and shall not resume practice until notified by the Board. During this  
6 period of suspension, Respondent shall not engage in any practice for which a license issued by  
7 the Board is required until the Board has notified Respondent that a medical determination  
8 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
9 of this probationary time period.

10 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
11 requirement, Respondent shall immediately cease practice and shall not resume practice until  
12 notified by the Board. This period of suspension will not apply to the reduction of this  
13 probationary time period. The Board may waive or postpone this suspension only if significant,  
14 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
15 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
16 Only one such waiver or extension may be permitted.

17 **15. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
18 of this Decision, have a mental health examination including psychological testing as appropriate  
19 to determine her capability to perform the duties of a registered nurse, including a determination  
20 as set forth below in the condition titled "Rule-Out Substance Abuse Assessment." The  
21 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
22 practitioner approved by the Board. The examining mental health practitioner will submit a  
23 written report of that assessment and recommendations to the Board. All costs are the  
24 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
25 result of the mental health examination will be instituted and followed by Respondent.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the  
27 licensed mental health care practitioner making this determination shall immediately notify the  
28 Board and Respondent by telephone, and the Board shall request that the Attorney General's

1 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
2 practice and may not resume practice until notified by the Board. During this period of  
3 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
4 is required, until the Board has notified Respondent that a mental health determination permits  
5 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
6 probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
8 requirement, Respondent shall immediately cease practice and shall not resume practice until  
9 notified by the Board. This period of suspension will not apply to the reduction of this  
10 probationary time period. The Board may waive or postpone this suspension only if significant,  
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
13 Only one such waiver or extension may be permitted.

14 16. **Rule-Out Substance Abuse Assessment.** If the examiner conducting the physical  
15 and/or mental health examination determines that the respondent is dependent upon drugs or  
16 alcohol, or has had problems with drugs or alcohol (i.e. drug dependence in remission or alcohol  
17 dependence in remission), that might reasonably affect the safe practice of nursing, then the  
18 respondent must further comply with the following additional terms and conditions of probation

19 **A. Participate in Treatment/Rehabilitation Program for Chemical**

20 **Dependence.** Respondent, at her expense, shall successfully complete during the  
21 probationary period or shall have successfully completed prior to commencement  
22 of probation a Board-approved treatment/rehabilitation program of at least six

23 months duration. As required, reports shall be submitted by the program on forms  
24 provided by the Board. If Respondent has not completed a Board-approved

25 treatment/rehabilitation program prior to commencement of probation,

26 Respondent, within 45 days from the effective date of the decision, shall be  
27 enrolled in a program. If a program is not successfully completed within the first  
28

1 nine months of probation, the Board shall consider Respondent in violation of  
2 probation.

3 Based on Board recommendation, each week Respondent shall be required  
4 to attend at least one, but no more than five 12-step recovery meetings or  
5 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse  
6 support group as approved and directed by the Board. If a nurse support group is  
7 not available, an additional 12-step meeting or equivalent shall be added.

8 Respondent shall submit dated and signed documentation confirming such  
9 attendance to the Board during the entire period of probation. Respondent shall  
10 continue with the recovery plan recommended by the treatment/rehabilitation  
11 program or a licensed mental health examiner and/or other ongoing recovery  
12 groups.

13 **B. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
14 shall completely abstain from the possession, injection or consumption by any  
15 route of all controlled substances and all psychotropic (mood altering) drugs,  
16 including alcohol, except when the same are ordered by a health care professional  
17 legally authorized to do so as part of documented medical treatment. Respondent  
18 shall have sent to the Board, in writing and within fourteen (14) days, by the  
19 prescribing health professional, a report identifying the medication, dosage, the  
20 date the medication was prescribed, the Respondent's prognosis, the date the  
21 medication will no longer be required, and the effect on the recovery plan, if  
22 appropriate.

23 Respondent shall identify for the Board a single physician, nurse  
24 practitioner or physician assistant who shall be aware of Respondent's history of  
25 substance abuse and will coordinate and monitor any prescriptions for Respondent  
26 for dangerous drugs, controlled substances or mood-altering drugs. The  
27 coordinating physician, nurse practitioner, or physician assistant shall report to the  
28 Board on a quarterly basis Respondent's compliance with this condition. If any

1 substances considered addictive have been prescribed, the report shall identify a  
2 program for the time limited use of any such substances.

3 The Board may require the single coordinating physician, nurse  
4 practitioner, or physician assistant to be a specialist in addictive medicine, or to  
5 consult with a specialist in addictive medicine.

6 **C. Submit to Tests and Samples.** Respondent, at her expense, shall  
7 participate in a random, biological fluid testing or a drug screening program which  
8 the Board approves. The length of time and frequency will be subject to approval  
9 by the Board. Respondent is responsible for keeping the Board informed of  
10 Respondent's current telephone number at all times. Respondent shall also ensure  
11 that messages may be left at the telephone number when she is not available and  
12 ensure that reports are submitted directly by the testing agency to the Board, as  
13 directed. Any confirmed positive finding shall be reported immediately to the  
14 Board by the program and Respondent shall be considered in violation of  
15 probation.

16 In addition, Respondent, at any time during the period of probation, shall  
17 fully cooperate with the Board or any of its representatives, and shall, when  
18 requested, submit to such tests and samples as the Board or its representatives may  
19 require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other  
20 controlled substances.

21 If Respondent has a positive drug screen for any substance not legally  
22 authorized and not reported to the coordinating physician, nurse practitioner, or  
23 physician assistant, and the Board files a petition to revoke probation or an  
24 accusation, the Board may suspend Respondent from practice pending the final  
25 decision on the petition to revoke probation or the accusation. This period of  
26 suspension will not apply to the reduction of this probationary time period.

27 If Respondent fails to participate in a random, biological fluid testing or  
28 drug screening program within the specified time frame, Respondent shall



1 immediately cease practice and shall not resume practice until notified by the  
2 Board. After taking into account documented evidence of mitigation, if the Board  
3 files a petition to revoke probation or an accusation, the Board may suspend  
4 Respondent from practice pending the final decision on the petition to revoke  
5 probation or the accusation. This period of suspension will not apply to the  
6 reduction of this probationary time period.

7 D. Therapy or Counseling Program. Respondent, at her expense, shall  
8 participate in an on-going counseling program until such time as the Board  
9 releases her from this requirement and only upon the recommendation of the  
10 counselor. Written progress reports from the counselor will be required at various  
11 intervals.

12  
13 ACCEPTANCE

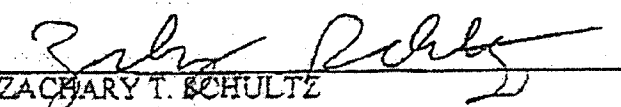
14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have full  
15 discussed it with my attorney, Zachary T. Schultz. I understand the stipulation and the effect it  
16 will have on my Registered Nurse License. I enter into this Stipulated Settlement and  
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Board of Registered Nursing.

19  
20 DATED: 8/28/15

  
21 JAIME CANTU  
Respondent

22 I have read and fully discussed with Respondent Jaime Cantu the terms and conditions and  
23 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
24 form and content.

25 DATED: 8/28/15

  
26 ZACHARY T. SCHULTZ  
Attorney for Respondent

27 ///

28 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

Dated: September 11, 2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

*Loretta A. West*  
LORETTA A. WEST  
Deputy Attorney General  
*Attorneys for Complainant*

SD2014707605

Proposed Stipulated Settlement and Disciplinary Order to Client 8 18 15.docx

**Exhibit A**

**Accusation No. 2015-31**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2015-316

12 **JAIME CANTU**  
13 **384 Leigh Avenue**  
14 **San Jose, CA 95128-2322**

**ACCUSATION**

15 **Registered Nurse License No. 842065**

16 **Respondent.**

17  
18 **Complainant alleges:**

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about May 7, 2013, the Board of Registered Nursing issued Registered Nurse  
24 License Number 842065 to Jaime Cantu (Respondent). The Registered Nurse License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on  
26 September 30, 2016, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

## COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may require an administrative law judge to direct a licensee found to have committed a violation or violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## CAUSE FOR DISCIPLINE

### **(Unprofessional Conduct - Discipline by Another Health Care Agency – Texas Board of Nursing)**

8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1) on the grounds of unprofessional conduct in that Respondent was disciplined by the Texas Board of Nursing *In the Matter of Permanent Registered Nurse License Number 729127 issued to Janice Cantu* for violation of Texas Occupations Code sections 301.452, subsections (b)(10) (unprofessional or dishonorable conduct that in the board's opinion is likely to deceive, defraud, or injure a patient or the public) and (b)(13) (failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that exposes a patient or a person unnecessarily to risk of harm). The circumstances are as follows:

9. On or about February 7, 2013, while employed as a Registered Nurse at St. Luke's Episcopal Hospital (St. Luke's), Houston, Texas, Respondent withdrew from the Medication Dispensing System (MDS) two (2) Acetaminophen/Hydrocodone 325/5mg tablets for Patient Number 1303800723, without a valid physician's order. Respondent's conduct was intended to injure the patient in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

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1                   10. On or about September 28 2012, through March 18, 2013, while employed at  
2 Registered Nurse at St. Luke's, Respondent withdrew two (2) Acetaminophen/Hydrocodone  
3 325/5mg tablets from the MDS for Patient Number 1303800723, but failed to document or  
4 accurately and completely document the administration of the medications in the patient's  
5 Medication Administration Record (MAR). Respondent's conduct created inaccurate medical  
6 records and was likely to injure the patient, in that subsequent caregivers would rely on his  
7 documentation to further medicate the patient, which could result in an overdose. Furthermore  
8 Respondent's conduct placed the hospital in violation of the Controlled Substances Act.

9                   11. On or about September 28, 2012, through March 18, 2013, while employed  
10 Registered Nurse at St. Luke's, Respondent withdrew Lorazepam, Morphine, Sulfate,  
11 Hydromorphone, Clonidine, Midazolam and Acetaminophen/Hydrocodone from the MDS for  
12 Patient Numbers 1227200163, 1227800625, 1230300169, 123600277, 1300100694, 1303800  
13 1306300142, and 1307700941, but failed to follow the facility's policy and procedure for wast  
14 of the unused portions of the medications. Respondent's conduct left medications unaccounted  
15 for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of the  
16 Controlled Substances Act.

17                   12. On or about September 28, 2012, while employed as a Registered Nurse at  
18 St. Luke's, Respondent provided the name and medical information of Patient Number  
19 1227200163 to his spouse via electronic mail. Respondent's conduct exposed the patient  
20 unnecessarily to a risk of harm from disclosure of their confidential medical information without  
21 written authorization.

22                   13. On or about November 22, 2013, the Texas Board of Nursing filed formal  
23 charges against Respondent's Texas Registered Nurse License 729127. On or about February  
24 2014, the Texas Board of Nursing revoked Respondent's Texas Registered Nurse License Nur  
25 729127.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 842065, issued to Cantu;
2. Ordering Jaime Cantu to pay the Board of Registered Nursing the reasonable cost of the investigation and enforcement of this case, pursuant to Business and Professions Code 1253;
3. Taking such other and further action as deemed necessary and proper.

DATED:

NOVEMBER 19, 2014

*Jaime Berra*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**BOARD OF REGISTERED NURSING**  
PO Box 944210, Sacramento, CA 94244-2100  
P (916) 322-3350 F (916) 574-8636 | [www.rn.ca.gov](http://www.rn.ca.gov)  
Louise R. Bailey, MEd, RN, Executive Officer



March 24, 2016

Jaime Cantu  
384 Leigh Avenue  
San Jose, CA 95128

Dear Mr. Cantu:

The Board of Registered Nursing required, as a condition of probation, that you have a Physical Health assessment and Mental Health assessment within 45 days of the effective date of the decision to "Rule Out" if you are dependent upon drugs or alcohol (i.e., drug dependence in remission or alcohol dependence in remission), that might reasonably affect the safe practice of nursing. Your evaluations have been received and it has been determined by the Board that you will not be required to comply with the following conditions of your probation:

- Condition 16(a)      Participate in Treatment/Rehabilitation Program for Chemical Dependence  
Attend 1 AA/NA group per week  
Attend 1 Nurse Support Group
- Condition 16(b)      Abstain from Use of Psychotropic (mood-altering) drugs including alcohol
- Condition 16(c)      Submit to Tests and Samples
- Condition 16(d)      Therapy or Counseling Program

Should you have any questions, please contact me at (916) 574-7622.

Thank you,

A handwritten signature in cursive script that reads 'Amanda Cantrell'.

Amanda Cantrell, Probation Monitor