



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 A. Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 799429 §
issued to HERNAN MATA GONZALES § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that HERNAN MATA GONZALES, Registered Nurse License Number 799429, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on August 29, 2017, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Nancy Roper-Willson, Attorney at Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Bachelor's Degree in Nursing from Angeles University Foundation, Angeles City, Philippines, on March 31, 1995. Respondent was licensed to practice professional nursing in the State of Texas on March 31, 2011.
5. Respondent's nursing employment history includes:

08/1995 - 06/1996	Private Nurse	Mabalacat, Pampanga
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Respondent's nursing employment history continued:

07/1996 - 02/1997	Unknown	
03/1997 - 06/2003	Staff Nurse	Angeles University Foundation Angeles City, Philippines
07/2003 - 03/2011	Telemetry Tech	Methodist Health System Dallas, Texas
04/2011 - 12/2016	Staff Nurse	Methodist Health System Dallas, Texas
01/2017 - Present	Staff Nurse	UT Southwestern Medical Center Dallas, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Methodist Health System, Dallas, Texas, and had been in that position for five (5) years and five (5) months.
7. On or about November 5, 2016, while employed as a Registered Nurse in the Intensive Care Unit at Methodist Health System, Dallas, Texas, Respondent violated the boundaries of the nurse-client relationship in that he exchanged contact information with Patient C.E. Furthermore, Respondent contacted Patient C.E., after she had been discharged, by calling her personal cell phone and approaching her in his vehicle and stopping to talk with her as she was walking. Respondent's conduct violated the professional boundaries of the nurse-client relationship and was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.
8. In response to Finding of Fact Number Seven (7), Respondent is remorseful for upsetting Patient CE and feels that the incident was a misunderstanding on his part of Patient CE's wanting to be friends. Respondent believed he was beginning a friendship with a fellow co-worker (Patient C.E.).
9. On or about February 3, 2017, Respondent successfully completed a Board approved class in Professional Boundaries in Nursing, which would have been a requirement of this Order.
10. On or about March 25, 2017, Respondent successfully completed a Board approved class in Jurisprudence & Ethics, which would have been a requirement of this Order.

11. On or about March 27, 2017, Respondent successfully completed a Board approved class in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(J).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 799429, heretofore issued to HERNAN MATA GONZALES.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. 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:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT 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. RESPONDENT 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. Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] 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 RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

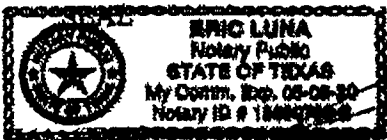
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of November, 2017.

[Handwritten Signature]

HERNAN MATA GONZALES, Respondent

Sworn to and subscribed before me this 16 day of Nov, 2017



Notary Public in and for the State of Tx

Approved as to form and substance.

[Handwritten Signature]
Nancy Roper-Willson, Attorney for Respondent

Signed this 17th day of November 2017

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of November, 2017, by HERNANMATA GONZALES, Registered Nurse License Number 799429, and said Order is final.

Effective this 12th day of December, 2017.



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