



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its 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 §
Vocational Nurse License Number 319514 §
issued to ALEX S. RODRIQUEZ §

ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALEX S. RODRIQUEZ, Vocational Nurse License Number 319514, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from Midland College, Midland, Texas, on August 19, 2011. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 2014.
4. Respondent's nursing employment history includes:

3/2014-5/2015	Licensed Vocational Nurse	Midland Memorial Hospital Midland, Texas
3/2014-7/2015	Licensed Vocational Nurse	Nurses Unlimited Unknown

Respondent's nursing employment history continued:

6/2015- Unknown	Licensed Vocational Nurse	Terrace West Nursing and Rehabilitation Midland, Texas
7/2015- Unknown	Licensed Vocational Nurse	Viola Clinic Midland, Texas
9/2015-12/2017	Licensed Vocational Nurse	Buena Vista Nursing and Rehabilitation Odessa, Texas
1/2018-Present	Not Employed in Nursing	

5. On or about January 19, 2017, Respondent was issued the sanction of a SUSPEND PROBATE through an Agreed Order by the Board. Respondent has not successfully completed the terms of this Order. A copy of the Findings of Fact, Conclusions of Law, and Order dated January 19, 2017, is attached and incorporated herein by reference as part of this Order.
6. On or about December 27, 2017, the Board provided notice to Respondent for the following alleged violations of the Nursing Practice Act:
 - a. On or about December 7, 2017, while employed as a Charge Nurse with Buena Vida Nursing and Rehabilitation, Odessa, Texas, upon arrival to the room of Resident RM, who was full code status, Respondent failed to initiate cardiopulmonary resuscitation (CPR) on the aforementioned resident who was unresponsive, failed to use the automated external defibrillator (AED), and failed to call 911. Instead, Respondent exceeded his scope of practice when he concluded that the aforementioned resident had died, and called the physician to notify him that the resident was dead.
7. On January 22, 2018, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated January 22, 2018, is attached and incorporated herein by reference as part 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)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 319514, heretofore issued to ALEX S. RODRIQUEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

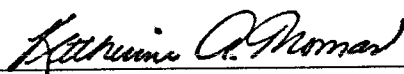
NOW, THEREFORE, IT IS ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 319514, heretofore issued to ALEX S. RODRIQUEZ, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 22nd day of January, 2018.

TEXAS BOARD OF NURSING

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

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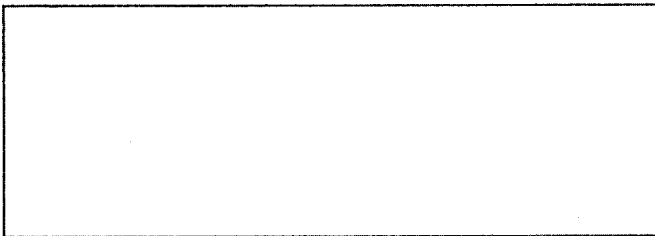
FX 512-305-6870

January 22, 2018

Texas Board of Nursing
Attn: Becky Schwab, RN
333 Guadalupe Street, Ste-460
Austin, TX 78701

I am surrendering my license. My license number is 319514 for licensed vocational nurse. My information is as follows:

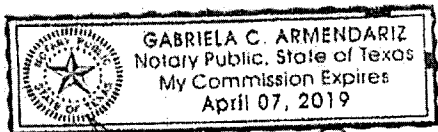
Alex S. Rodriquez



Please send me confirmation of receipt of my intention. I have also included a copy of my driver's license.

Alex S. Rodriguez LVN 1/22/18

Alex Rodriquez, LVN



[Handwritten signature]

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Vocational Nurse License Number 319514	§	
issued to ALEX S. RODRIQUEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALEX S. RODRIQUEZ, Vocational Nurse License Number 319514, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 24, 2016.

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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Midland College at Midland, Midland, Texas, on August 19, 2011. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 2014.
5. Respondent's nursing employment history includes:

03/2014 - 05/2015	Licensed Vocational Nurse	Midland Memorial Hospital Midland, Texas
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Respondent's nursing employment history, continued:

03/2014-07/2015	Licensed Vocational Nurse	Nurses Unlimited Unknown
06/2015-Unknown	Licensed Vocational Nurse	Terrace West Nursing and Rehabilitation Midland, Texas
07/2015-Unknown	Licensed Vocational Nurse	Viola Clinic Midland, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, and had been in that position for six (6) months.
7. On or about September 30, 2014, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent administered four (4) 2 mg doses of hydrocodone to Patient Number 400412371, when the physician's order was for 1 mg of hydrocodone. Respondent's conduct was likely to injure the patient from adverse effects of excessive doses of a narcotic medication, including respiratory depression and possible demise.
8. On or about December 15, 2014, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent failed to administer ceftriaxone to Patient Number 400425215 at the scheduled administration time. Respondent's conduct was likely to injure the patient by delaying the therapeutic effects of an antibiotic medication, which could prolong the duration of the infection.
9. On or about March 18, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent failed to utilize safe patient handling equipment to transfer Patient Number 4000246942 from the stretcher to the bed post-operatively. Respondent's conduct was likely to injure the patient from complications caused by an improperly performed physical transfer following a surgical procedure, including pain, tearing of the surgical site, and bleeding.
10. On or about March 23, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent failed to administer Ativan to Patient Number 4000154955 as ordered by the physician, including administering doses past their ordered medication times and holding an ordered dose. Respondent also failed to inform the physician when he held one of the ordered doses. Respondent's conduct was likely to injure the patient from adverse effects of not receiving anti-anxiety medication as ordered, including restlessness and agitation. Additionally, the patient's physician would not have

complete and accurate information on which to make decisions for further care.

11. On or about April 6, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent caused a skin tear injury to Patient Number 4007000324 when Respondent removed the patient's intravenous (IV) catheter. Additionally, Respondent failed to document removal of the IV catheter in the patient's medical record, failed to document the injury, and failed to notify the physician of the injury. Respondent's conduct was likely to further injure the patient in that future care givers and the patient's physician would not have complete and accurate information on which to base their decisions for further care. Additionally, Respondent's conduct may have delayed treatment of the skin tear, which could prolong the healing process.
12. On or about April 20, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent administered Lovenox to Patient Number 4000291450 later than the scheduled administration time. Respondent's conduct was likely to injure the patient by delaying the therapeutic effects of an anticoagulant medication, thereby increasing the patient's risk of blood clots.
13. On or about April 21, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent administered vancomycin to Patient Number 40000233964 several hours later than the scheduled administration time. Respondent's conduct was likely to injure the patient by delaying the therapeutic effects of an antibiotic medication, which could prolong the duration of the infection.
14. On or about April 24, 2015, while employed as a Licensed Vocational Nurse with Midland Memorial Hospital, Midland, Texas, Respondent administered multiple medications to Patient Number 0000961195 later than their scheduled administration times, including, Diallyte, amlodipine, hydralazine, ampicillin, carvedilol, pantoprazole, levothyroxine, heparin, and insulin. Respondent's conduct was likely to injure the patient from adverse effects such as elevated blood pressure, prolonged infection, nausea, and elevated blood sugar, caused by delayed medication administration.
15. In response to the incidents in Findings of Fact Numbers Seven (7) through Fourteen (14), Respondent states he does not recall administering 2 mg of hydrocodone to Patient Number 400412371, and that he was still in the new graduate nurse residency program at the time. Respondent states he does not remember administering ceftriaxone late to Patient Number 400425215 and that the facility had issues with having medications available when scheduled. Respondent states he called for a sling to transfer Patient Number 4000246942, but there were none available, so he and two assistants transferred the patient with the draw sheet that was already under the patient. Respondent states he may have he may have administered two (2) doses of Ativan (lorazepam) late to Patient Number 4000154955, but he believes the patient refused the other two (2) doses. Respondent states he always did his best to administer medications on time and take care of his patients, but he often had to work

as both an aide and a nurse. Respondent states he soaked the IV site of Patient Number 4007000324 with wound cleaner prior to removing the patient's IV catheter, and placed coban over the site because he saw there was already loose skin present before he removed the IV catheter. Respondent states he thought he documented removal of the IV catheter and informed the night nurse of the IV removal. Respondent states "it was noted" that several medication were administered late to Patient Number 4000291450. Respondent states he does not recall administering vancomycin late to Patient Number 40000233964 and reiterates that the pharmacy technicians at the facility did not always provide medications on time. Respondent states he administered all medications except glargine insulin to Patient Number 0000961195. Respondent states he barely had a year of experience as a nurse and struggled in the acute care environment. Respondent states he struggled to give medications on time in late March and late April of 2015 because of getting medication for his diabetes. Respondent states he never intended to give medications late, but there were many times when the unit did not have aides, and he never intended to harm anyone.

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)(B),(1)(C),(1)(D)&(1)(M), and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 319514, heretofore issued to ALEX S. RODRIQUEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 319514, previously issued to ALEX S.

RODRIQUEZ, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements 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. Respondent 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 Respondent wishes to work.

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. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, **RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, 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. **A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. 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), RESPONDENT 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. RESPONDENT 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.*

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 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:** 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. **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/probation period, RESPONDENT 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

RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only 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.

- E. 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 nurse who supervises the RESPONDENT 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. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VI. 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 waive representation by counsel. 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 8th day of December, 2016
Alex S. Rodriguez
ALEX S. RODRIQUEZ, Respondent

Sworn to and subscribed before me this 8th day of December, 2016.

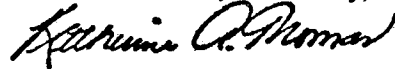
SEAL

Maria Ruth Gomez
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of December, 2016, by ALEX S. RODRIGUEZ, Vocational Nurse License Number 319514, and said Order is final.

Effective this 19th day of January, 2017.



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