

Texas Board of Nursing
333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701

Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov Katherine A. Thomas, MN, RN, FAAN Executive Director

November 2, 2018

Certified Mail No. 9171999991703795364509, Return Receipt Requested Copy Via USPS First Class Mail

Elvira Benavides 130 West Floyd Slaton, TX 79364

Dear Ms. Benavides:

Upon review of the information introduced at the Reinstatement Conference held on October 30, 2018, the decision was to deny your petition for reinstatement of your license(s) to practice nursing in the State of Texas due to:

-Respondent's lack of good character.

Respondent was unable to point to changes she has made in her life that would allow her to successfully complete a Board order since her suspension, which is a concern in light of her extensive disciplinary history with the Board, including non-compliance with previous orders. 22 Tex. Admin. Code § 213.26(e)(1), (2).

Respondent demonstrated defiance about the findings in some of her previous orders which is contrary to the Board's good professional character rule which requires an individual to accept responsibility for her actions. 22 Tex. Admin. Code § 213.27(c)(5). Respondent also expressed an interest in obtaining her license to improve her standing, as opposed to missing caring for patients as a nurse. A nurse must consistently act in the best interest of patients and the panel was not confident that Respondent would always place patients interests over her own. 22 Tex. Admin. Code § 213.27(b).

-Respondent failed to show remediation through conduct since the surrender of her license.

Four out of five of Respondent's letters of recommendation were from persons who knew her while she was subject to multiple Board orders over the past twenty-three years. Accordingly, their rosy assessments of her abilities of a nurse are not consistent with the Board's findings over the same time period. Furthermore, these letters do not address what Respondent has done since the surrender of her license to warrant reinstatement. 22 Tex. Admin. Code § 213.26(e)(2).

-Respondent had a questionable employment history.

accurate, and true copy of the docum is on file or is of record in the offices Texas Board of Nursing.

Executive Director of the Board

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Respondent's extensive employment history, which includes at least three terminations and several positions being held for less than a year is also a concern to the Board. 22 Tex. Admin. Code § 213.26(e)(5).

You will not be allowed to petition for reinstatement until at least one (1) year from the date of your hearing and you have satisfied any conditions outlined in your order and any requirements required by law at the time of your application.

The Texas Nursing Practice Act provides, in pertinent part, that the Board may refuse to issue a license pursuant to Texas Occupations Code, Sections 301.452(b) and 301.467, and 22 TEX. ADMIN. CODE §§213.26 - 213.29.

If you do not agree with this decision, you have a right to request that this matter be set for a public hearing at the State Office of Administrative Hearings. If you want to have this matter heard at a public hearing, please send a written request for a hearing to our office. We will inform you of the date and time set for your hearing.

If you have any questions, please contact the Department of Enforcement at (512) 305-6838.

Sincerely,

Katherine A. Thomas, MN, RN, FAAN

Executive Director

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