



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Registered Nurse License Number 917899 §  
issued to GABRIEL ARCECASTRO §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GABRIEL ARCECASTRO, Registered Nurse License Number 917899, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 7, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on May 13, 2016. Respondent was licensed to practice professional nursing in the State of Texas on February 23, 2017.
5. Respondent's nursing employment history includes:

2/2017 – 03/2018                      Unknown

Respondent's nursing employment history continued:

02/2018 – 06/2018	Registered Nurse	Epic Health Services Austin, Texas
06/2018 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Epic Health Services, Austin, Texas, and had been in that position for three (3) months.
7. On or about May 23, 2018, while employed as a Registered Nurse with Epic Health Services, Austin, Texas, and providing skilled nursing care to Patient JD, Respondent violated the professional boundaries of the nurse/client relationship by inappropriately touching Patient J.D.'s erect penis with his bare hand. Additionally, Respondent placed patient J.D.'s hand on his own penis and told him, "It's your hand, you can do that, because it's your hand right?". The incident was captured on video surveillance and Respondent subsequently admitted to trying to bend the patient's penis while changing his diaper. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient, and may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.
8. On or about May 10, 2019, Respondent was indicted on two (2) counts of INDECENCY WITH A CHILD BY CONTACT, a 2<sup>nd</sup> Degree felony offense, and one (1) count of INDECENCY WITH A CHILD BY EXPOSURE, a 3<sup>rd</sup> Degree felony offense committed on May 23, 2018. The criminal case is currently pending in the 147<sup>th</sup> Judicial District Court of Travis County, Texas, under Cause No. D-1-DC-18-500567.
9. Respondent by his signature expresses his desire to voluntarily surrender the licenses.

#### 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)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(C),(6)(D) &(6)(E).

4. The evidence received is sufficient cause pursuant to Section 301.452(b) (10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 917899, heretofore issued to GABRIEL ARCECASTRO.
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**

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 917899 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.

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**RESPONDENT'S CERTIFICATION**

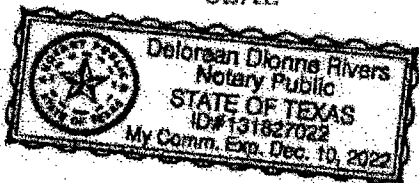
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of JANUARY, 2020.

*Gabriel Arcecastro*  
GABRIEL ARCECASTRO / RESPONDENT

Sworn to and subscribed before me this 16 day of January, 2020.

SEAL



*Delorean Dionne Rivers*

Notary Public in and for the State of TX

Approved as to form and substance.

*Jason A. Danowsky*  
Jason A. Danowsky, Attorney for Respondent

Signed this 21 day of January, 2020.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16<sup>th</sup> day of January, 2020, by GABRIEL ARCECASTRO, Registered Nurse License Number 917899, and said Agreed Order is final.

Effective this 21<sup>st</sup> day of January, 2020.



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