



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

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 694149	§	
& Vocational Nurse License Number 166308	§	
issued to PHILLIP ADAM LOPEZ	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, 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)(1)&(10), 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 10, 2020.

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 vocational nurse in the State of Texas is in suspended status. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status.
4. Respondent received a Certificate in Vocational Nursing from St Philip S College - San Antonio, San Antonio, Texas, on December 11, 1997. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on December 1, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 26, 2003.
5. Respondent's nursing employment history includes:

1/1998-1/2002	Licensed Vocational Nurse	Millennium Home Health San Antonio, Texas
1/2002-5/2004	Registered Nurse	Methodist Hospital San Antonio, Texas
5/2004-6/2006	Registered Nurse	St. Luke's Hospital San Antonio, Texas
7/2006-11/2006	Registered Nurse	Cross County TravCorps Boca Raton, Florida
11/2006-1/2007	Unknown	
1/2007-10/2014	Registered Nurse	Methodist Hospital San Antonio, Texas
10/2014-5/2015	Registered Nurse	Bestcare Laboratory San Antonio, Texas
6/2015-4/2018	Registered Nurse	Christus Santa Rosa Westover Hills San Antonio, Texas
4/2018-11/2018	Unknown	
11/2018-4/2019	Registered Nurse	San Antonio Behavioral Healthcare Hospital San Antonio, Texas
4/2019-Present	Registered Nurse	Aveanna Healthcare San Antonio, Texas

6. On or about July 28, 2015, Respondent was required to successfully complete a Corrective Action issued by the Board. On or about March 14, 2016, Respondent successfully completed the terms of the Order. A copy of the July 28, 2015, Corrective Action is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about November 13, 2018, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the November 13, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.

8. On or about June 10, 2020, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistant Program issued to him by the Texas Board of Nursing on November 13, 2018. Noncompliance is the result of his failure to comply with all the requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement, because Respondent produced a urine specimen for a random drug screen that resulted positive for Benzodiazepine. Section I, Stipulation D of the Confidential Agreed Order for Peer Assistance Program dated November 13, 2018, states:

"(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

On or about June 16, 2020, Respondent was dismissed from TPAPN and referred back to the Board.

9. Formal Charges were filed and Respondent's licenses were temporarily suspended on October 20, 2020.
10. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 §217.12 (9),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, heretofore issued to PHILLIP ADAM LOPEZ.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, previously issued to PHILLIP ADAM LOPEZ, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. 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 suspension being stayed, unless otherwise specifically indicated:**

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 and video programs will not be approved.

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.*

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances shall be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

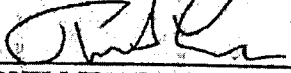
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RESPONDENT'S CERTIFICATION

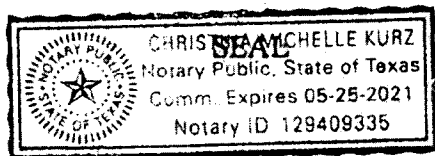
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

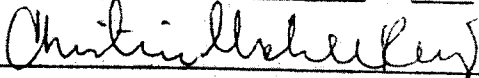
Signed this 2nd day of December, 2020.



PHILLIP ADAM LOPEZ, RESPONDENT

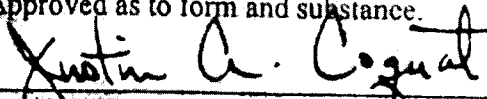
Sworn to and subscribed before me this 2nd day of December, 2020.





Notary Public in and for the State of _____

Approved as to form and substance.

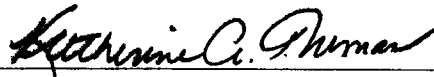


Justin A. Coquat, Attorney for Respondent

Signed this 2 day of December, 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 2nd day of December, 2020, by PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, and said Agreed Order is final.

Effective this 7th day of December, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CORRECTIVE
Registered Nurse License Number 694149	§	
& Vocational Nurse License Number 166308	§	
issued to PHILLIP ADAM LOPEZ	§	ACTION

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149 and Vocational Nurse License Number 166308, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Corrective Action approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 6, 2015.

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 Corrective Action.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on December 11, 1997, and received an Associate Degree from San Antonio College, San Antonio, Texas, on December 1, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 1998, and was licensed to practice professional nursing in the State of Texas on February 26, 2003.

5. On or about March 24, 2015, Respondent completed a License Renewal Form and answered "No" to the question which reads: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

6. Respondent failed to truthfully disclose the following criminal history, to wit:

- A. On or about September 28, 2014, Respondent was arrested by the Hays County Sheriff's Office for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, and that the criminal charge was still pending at the time that Respondent submitted his Renewal to the Board.

7. There is no evidence of any subsequent criminal conduct.

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. Respondent's conduct is sufficient to prove violation of Section 301.452(b)(6)(I), Texas Occupations Code, but constitutes grounds for corrective action pursuant to Section 301.652, Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.32(2)(D) in lieu of disciplinary action.

CORRECTIVE ACTION

IT IS THEREFORE AGREED that RESPONDENT SHALL successfully complete the requirements of this CORRECTIVE ACTION.

I. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Corrective Action, 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.

Until successfully completed, this Corrective Action SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

II. 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 Corrective Action:

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.

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.*

III. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the effective date of this Corrective Action.

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IV. EFFECT OF CORRECTIVE ACTION

Upon full compliance with the terms of this Corrective Action, this matter shall be closed and this Corrective Action shall remain confidential.

Should Respondent fail to successfully complete the terms of this Corrective Action, this matter shall be terminated immediately and shall be treated as a disciplinary proceeding under Subchapter J, TEX. OCC. CODE.

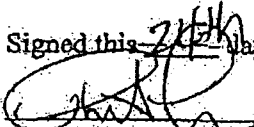
Should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Corrective Action shall be treated as prior disciplinary action.

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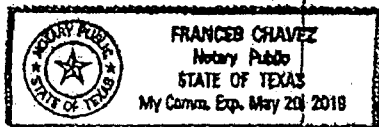
RESPONDENT'S CERTIFICATION

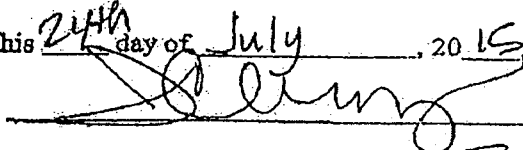
I understand that I have the right to legal counsel prior to signing this Corrective Action. I waive representation by counsel. I have reviewed this Corrective Action. I neither admit nor deny the violation alleged herein. By my signature on this Corrective Action, I agree to the entry of this Corrective Action and to successfully complete its conditions, to avoid further disciplinary action in this matter. I waive judicial review of this Corrective Action. I understand that when this Corrective Action becomes final and the terms of this Corrective Action become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Corrective Action, 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 24th day of July, 2015.

PHILLIP ADAM LOPEZ, Respondent

Sworn to and subscribed before me this 24th day of July, 2015.

SEAL




Notary Public in and for the State of Texas.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby impose the Corrective Action that was signed on the 24th day of July, 2015, by PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149 and Vocational Nurse License Number 166308, and said Corrective Action is final.

Effective this 28th day of July, 2015.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	CONFIDENTIAL
Registered Nurse License Number 694149	§	AGREED ORDER
& Vocational Nurse License Number 166308	§	FOR
issued to PHILLIP ADAM LOPEZ	§	PEER ASSISTANCE
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, 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)(9),(10),(12)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Confidential Agreed Order for Peer Assistance approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 19, 2018.

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 Confidential Agreed Order for Peer Assistance.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on December 11, 1997. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on December 1, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 26, 2003.

5. Respondent's nursing employment history includes:

1/1998 – 1/2002	Licensed Vocational Nurse	Millenium Home Health San Antonio, Texas
1/2002 – 5/2004	Registered Nurse	Methodist Hospital San Antonio, Texas
5/2004 – 6/2006	Registered Nurse	St. Luke's Hospital Houston, Texas
7/2006 – 11/2006	Registered Nurse	Cross Country TravCorps Boca Raton, Florida
11/2006 – 1/2007	Unknown	
1/2007 – 10/2014	Registered Nurse	Methodist Hospital San Antonio, Texas
10/2014 – 5/2015	Registered Nurse	Bestcare Laboratory San Antonio, Texas
6/2015 – 4/2018	Registered Nurse	Christus Santa Rosa – Westover Hills San Antonio, Texas
4/2018 – Present	Unknown	

6. On or about July 28, 2015, Respondent was required to successfully complete a Corrective Action through a Corrective Action issued by the Board. On or about March 14, 2016, Respondent successfully completed the terms of the Order. A copy of the July 28, 2015, Corrective Action is attached and incorporated herein by reference as part of this Confidential Agreed Order for Peer Assistance.

7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Methodist Hospital, San Antonio, Texas, and had been in that position for six (6) years and nine (9) months.

8. On or about October 9, 2014, while employed as a Registered Nurse with Methodist Hospital, San Antonio, Texas, Respondent engaged in the intemperate and unlawful use of Codeine, Morphine, Hydrocodone, Oxycodone, and Oxymorphone in that he produced a specimen for a reasonable suspicion drug screen that resulted positive for Codeine, Morphine, Hydrocodone, Oxycodone, and Oxymorphone. Unlawful possession of Codeine, Morphine, Hydrocodone, Oxycodone, and Oxymorphone is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Codeine, Morphine, Hydrocodone, Oxycodone, and Oxymorphone by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
9. On or about March 9, 2018 and March 22, 2018, while employed as a Registered Nurse with Christus Santa Rosa - Westover Hills, San Antonio, Texas, Respondent withdrew two (2) tablets of Lorazepam 1mg and (1) tablet of Hydrocodone/Acet 10-325 from the medication dispensing system for patients but failed to document and/or accurately and completely document the administration of the medication in the patients' Medication Administration Records (MAR) and/or nurses' notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on his documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about March 9, 2018, March 22, 2018, and March 30, 2018, while employed as a Registered Nurse with Christus Santa Rosa - Westover Hills, San Antonio, Texas, Respondent withdrew two (2) tablets of Lorazepam 1mg, (1) tablet of Hydrocodone/Acet 10-325, and one (1) syringe of Morphine Sulfate INJ 4mg/1ml from the medication dispensing system for patients but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. 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.
11. On or about March 23, 2018, while employed as a Registered Nurse with Christus Santa Rosa - Westover Hills, San Antonio, Texas, Respondent lacked fitness to practice nursing in that he exhibited signs of impaired behavior while on duty, including, but not limited to: appearing distracted, questioning a co-worker about report a number of times, touching computer keys a few times without accessing the computer, and difficulty concentrating on the patients assigned to him. Respondent's condition could have affected his ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected his ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(5),(10)(A),(10)(C),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, heretofore issued to PHILLIP ADAM LOPEZ.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. Within forty-five (45) days following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. Within ninety (90) days following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.

- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Confidential Agreed Order for Peer Assistance.

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 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 and video programs will not be approved.

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. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should RESPONDENT fail to successfully complete the terms of this Order or should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Confidential Agreed Order for Peer Assistance, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges if any.

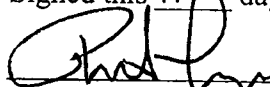
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RESPONDENT'S CERTIFICATION

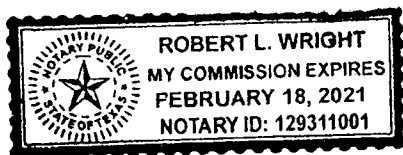
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and 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 7th day of November, 2018.


PHILLIP ADAM LOPEZ, Respondent

Sworn to and subscribed before me this 7th day of November, 2018.

SEAL



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Confidential Agreed Order for Peer Assistance that was signed on the 7th day of November, 2018, by PHILLIP ADAM LOPEZ, Registered Nurse License Number 694149, and Vocational Nurse License Number 166308, and said Confidential Agreed Order for Peer Assistance is final.

Effective this 13th day of November, 2018.



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