



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 701960 §
issued to NESTOR ALEJANDRO HERNANDEZ §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, con:
the matter of NESTOR ALEJANDRO HERNANDEZ, Registered Nurse License Number 701960,
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 December 2, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from South Texas College, Mc Allen, Texas, on September 30, 2003. Respondent was licensed to practice professional nursing in the State of Texas on January 13, 2004.
5. Respondent's nursing employment history includes:

1/2004 – 5/2006	Unknown	
6/2006- 9/2007	Registered Nurse	Doctor's Hospital at Renaissance Edinburg, Texas

Respondent's nursing employment history continued:

10/2007-10/2012	Registered Nurse	Women's Hospital at Renaissance Edinburg, Texas
10/2011-11/2012	Case Manager	Dulce Esperanza Home Health McAllen, Texas
12/2012-5/2015	Assistant Director of Nursing	Dulce Esperanza Home Health McAllen, Texas
6/2014-8/2015	Registered Nurse	Rio Grande Regional Hospital McAllen, Texas
9/2015-1/2018	Registered Nurse	Doctor's Hospital Unknown
2/2018-1/2019	Registered Nurse	South Texas Health System Weslaco, Texas
2/2019- Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with South Texas Health System, Weslaco, Texas, and had been in that position for eight (8) months.
7. On or about October 27, 2018, while employed as a Registered Nurse with South Texas Health System Emergency Department, Weslaco, Texas, Respondent failed to discontinue and/or document discontinuation of a Zosyn infusion after a patient reported itching and burning. Additionally, Respondent administered a Benadryl injection to the patient but failed to document in the patient's medical record regarding the administration of Benadryl or follow up assessment after administration. Respondent's conduct resulted in an incomplete medical record and exposed the patient to a risk of harm in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
8. On or about December 18, 2018, while employed as a Registered Nurse with South Texas Health System Emergency Department, Weslaco, Texas, Respondent left his nursing assignment before notifying a supervisor and reporting off to another nurse. Respondent's conduct exposed patients unnecessarily to risk of harm in that leaving the nursing assignment could have resulted in patients not getting the nursing care needed.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient reported some itching to her arm while getting the infusion. Respondent states

that slight redness was noted but no raised welts, shortness of breath, or significant changes to vitals were noted. The physician was notified and examined the patient, and ordered Benadryl but said the patient could still receive the infusion. Respondent states that he administered the Benadryl and the patient was fine. Respondent adds that his medication scan rate was 98-100% so he is not sure why it did not show up on the medication administration record; it may not have been documented since emergency medical services arrived quickly to transport the patient. In response to the incident in Finding of Fact Number Eight (8), Respondent states that he needed to go deal with a bank matter urgently, and texted his supervisor to notify her since he could not find her. Respondent states that he told the triage nurse he was leaving and he had already checked on his assigned patients to make sure nothing else was pending at that time. Respondent states that he returned and resumed care of his patients without any detrimental consequences. Respondent adds that he did not do this again after this date and knows not to leave the unit without proper handoff for continuity of care.

10. Formal Charges were filed on July 9, 2020.

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)(I) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4)&(12).
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 701960, heretofore issued to NESTOR ALEJANDRO HERNANDEZ.
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 **REMEDIAL EDUCATION** 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" 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. 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. 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 and video programs will not be approved.

- B. **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.

- C. **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.*

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will 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 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 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.

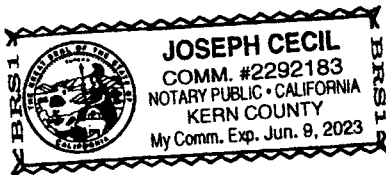
Signed this 3rd day of February, 2021.

Nestor Hernandez
NESTOR ALEJANDRO HERNANDEZ, RESPONDENT

Sworn to and subscribed before me this 3 day of February, 2021.


SEAL

Joseph Cecil
Notary Public in and for the State of CA



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 3rd day of February, 2021, by NESTOR ALEJANDRO HERNANDEZ, Registered Nurse License Number 701960, and said Agreed Order is final.

Effective this 9th day of February, 2021.



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