

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
LYDIA ESGUERRA TOMELDAN,  
Registered Nurse License Number 455643

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### ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYDIA ESGUERRA TOMELDAN, Registered Nurse License Number 455643, 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 professional 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 Baccalaureate Degree in Nursing from Arellano University, Leeward Islands, on April 1, 1973. Respondent was licensed to practice professional nursing in the State of Texas on November 17, 1980.
4. Respondent's nursing employment history includes:

11/1980 – 1989

Unknown

Respondent's nursing employment history continued:

1990-1991	Registered Nurse	George H. O'Brien, Jr. VA Medical Center Big Spring, Texas
1991-2000	Registered Nurse	Dallas/Fort Worth Medical Center Grand Prairie, Texas
1996-Unknown	Registered Nurse	Methodist Charlton Medical Center Dallas, Texas
2000-Unknown	Registered Nurse	Osteopathic Medical Center Fort Worth, Texas
9/2004- Present	Registered Nurse	Texas Health Heart and Vascular Hospital Arlington, Texas

5. On or about October 20, 2020, the Board provided notice to Respondent that an investigation was being initiated into alleged violations of the Nursing Practice Act and/or the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice, as follows:
  - On or about September 3, 2020, while employed as a Registered Nurse and working at Texas Health Heart and Vascular Hospital, Arlington, Texas Respondent failed to notify the physician or charge nurse that Patient BM had a change in condition. Specifically, the patient exhibited signs and symptoms of a stroke post cardiac catheterization with weakness in the left arm and hand. Respondent documented the change in the patient's medical record. The oncoming day shift nurse noted the change in condition in the medical record, and the physician was notified. By that time, however, the patient was past the six (6) hour treatment timeframe for stroke intervention.
6. On July 2, 2021, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated June 21, 2021, 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)(D),(1)(M),(1)(P)&(3)(A) 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 Registered Nurse License Number 455643, heretofore issued to LYDIA ESGUERRA TOMELDAN, 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 Registered Nurse License Number 455643 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 herself/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 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 2<sup>nd</sup> day of July, 2021



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

LYDIA ESGUERRA TOMELDAN  
14 Misty Mesa Court, Mansfield, TX 76063  
RN LICENSE NUMBER 455643

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice nursing in the State of Texas. I consent to the entry of an Order with findings reflecting the alleged conduct and which outlines requirements for reinstatement of my license. I understand that I can be represented by an attorney in this matter. I waive attorney representation, notice, administrative hearing, and judicial review of the Order entered by the Board. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

RN LICENSE NUMBER 455643

The State of Texas

Before me, the undersigned authority, on this date personally appeared LYDIA ESGUERRA TOMELDAN who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 21 day of June, 2021.

SEAL

R. Cruz  
Notary Public in and for the State of Texas

