BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	ELIGIBILITY AGREED ORDER
ANDREW RENDON,	§	FOR
Registered Nurse License Number 833691,	§	REACTIVATION OF LICENSE
Vocational Nurse License Number 228954	§	
& APPLICANT for Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the RN Delinquent Renewals (above 90 days) and supporting documents filed by ANDREW RENDON, hereinafter referred to as Applicant, requesting a determination of eligibility for licensure reactivation in compliance with Sections 301.252, 301.257 and 301.260, Texas Occupations Code, together with any documents and information gathered by staff and Applicant's Certification contained herein.

Information received by the Board produced evidence that Applicant may be ineligible for licensure reactivation pursuant to Sections 301.452(b)(3)&(12) and 301.453, Texas Occupations Code.

Applicant waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 29, 2023.

FINDINGS OF FACT

1. Applicant waived notice and hearing, and agreed to the entry of this Agreed Order.

2. Applicant received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on May 15, 2010. Applicant received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on August 6, 2012. Applicant was licensed to practice vocational nursing in the State of Texas on July 15, 2010. Applicant was licensed to practice professional nursing in the State of Texas on March 7, 2013.

3. Applicant's license to practice as a vocational nurse in the State of Texas is in inactive status.

4. On or about February 12, 2013, Applicant was issued an Agreed Order through an Order of the Board with the sanction of Warning with Stipulations. On or about April 3, 2014, Applicant successfully completed the terms of the Order. A copy of the February 12, 2013, Agreed Order is attached and incorporated herein by reference as part of this Eligibility Agreed Order.

5. On or about May 9, 2017, Applicant was issued an Agreed Order through an Order of the Board with the sanction of Warning with Stipulations and a Fine. On or about August 1, 2017, Applicant successfully completed the terms of the Order. A copy of the May 9, 2017, Agreed Order is attached and incorporated herein by reference as part of this Eligibility Agreed Order.

6. On or about January 14, 2021, Respondent entered a plea of no contest to the 3rd degree felony offense POSS CS PG 1 >=1G <4g in the 38th District Court, Uvalde Texas, under Cause No. 2018-12-13368-CR. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years, and ordered to pay restitution in the amount of one hundred eighty dollars ($180), along with a fine and court costs.

7. On or about June 29, 2022, Respondent entered a plea of no contest to ASSAULT BODILY INJURY/ MARRIED/COHAB, a misdemeanor offense reduced from the felony offense AGG ASSLT W/ DEADLY WEAPON, in the Bexar County Criminal District Court, Bexar County, San Antonio, Texas, under Cause No. 620577. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

8. On or about December 31, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation, in which Applicant disclosed that he has been addicted to/treated for alcohol/drugs. More specifically, that Applicant had been recently discharged from a treatment program where Applicant received treatment for opioid use disorder, severe sedative, hypnotic, or anxiolytic use disorder, severe alcohol use disorder, severe generalized anxiety, and major depressive disorder.

9. Applicant provided the following letters in support of treatment:

   A. Letter from Ashley Perez, Client Services Manager with Ripple Ranch Recovery Center & Continuum Outpatient Center, dated November 15, 2022, stating Applicant was admitted into Continuum Outpatient Center on June 9, 2022, with anticipated treatment to be twelve (12) weeks.
   B. Letter from Maria Campos De Ponce, MS,. LMFT, with the Edge Treatment Center, dated February 4, 2022, stating Applicant was admitted into the program on June 24, 2021.

C. Letter from Diana Stafford, Case Manager with Dream Recovery, dated February 3, 2022, stating Applicant was admitted to treatment at Dream Recovery on November 29, 2021.

D. Letter from Sanjai Thankachen, MD, with Gratitude Lodge, dated January 7, 2022, stating Applicant was in treatment from May 24, 2021, through June 24, 2021.

10. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Applicant currently demonstrates the criteria required for licensure.

11. The Executive Director considered evidence of Applicant's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

12. The Executive Director considered evidence of Applicant's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.

13. Applicant's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.

15. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

16. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. On or about December 31, 2022, Applicant submitted the Application requesting a determination of eligibility for licensure reactivation.

3. Applicant's history reflects conduct which may constitute grounds for denial of a license reactivation under Section 301.452(b)(3)&(12), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, as applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual who has a history of substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.

7. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. 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.

9. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Applicant's license(s).

10. 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.   **REACTIVATION OF LICENSURE AND APPLICABILITY**
IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Application of ANDREW RENDON for Reactivation of License to practice nursing in the State of Texas be **GRANTED**, contingent upon APPLICANT meeting the following requirements:

A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to APPLICANT to practice nursing in the State of Texas.

B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, APPLICANT shall be issued the applicable license(s) to practice nursing in the State of Texas, and while under the terms of this Order all licenses issued to APPLICANT shall be subject to the terms of this Order and said license(s) SHALL BE immediately **SUSPENDED** and said suspension is **ENFORCED** until PETITIONER:

    1. **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 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; and

    2. 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 APPLICANT will be placed on **PROBATION** for such a time as is required for APPLICANT to successfully complete the TPAPN **AND** until APPLICANT fulfills the additional requirements of this Order.

C. APPLICANT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and APPLICANT'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.

D. APPLICANT 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. APPLICANT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

F. Until successfully completed, any and all licenses issued to Applicant shall be subject to the terms of this Order.

G. This Order SHALL be applicable to APPLICANT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

H. Until successfully completed, APPLICANT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

I. As a result of this Order, APPLICANT'S license(s) will be designated "single state" as applicable and APPLICANT 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, APPLICANT 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 Eligibility Agreed Order.

III.   REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, APPLICANT 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), APPLICANT 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. APPLICANT SHALL first obtain Board approval of any course prior to enrollment if the course is <u>not</u> 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.　　EFFECT OF NONCOMPLIANCE

SHOULD APPLICANT 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 APPLICANT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

V.　　RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Eligibility Agreed Order, all encumbrances will be removed from APPLICANT'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, APPLICANT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 Findings of Fact, Conclusions of Law, and Conditions of this Order to obtain disposition of my potential ineligibility for licensure through peer assistance.

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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 13 day of December, 20 23.
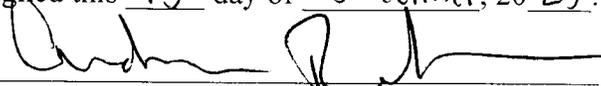
_____
ANDREW RENDON, APPLICANT

Sworn to and subscribed before me this 13th day of December 20 23

SEAL

_____
Notary Public in and for the State of TX
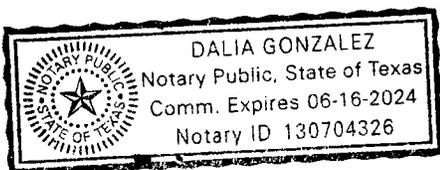
WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 13th day of December, 2023, by ANDREW RENDON, Registered Nurse License Number 833691, Vocational Nurse License Number 228954 & APPLICANT for Eligibility for Licensure, and said Eligibility Agreed Order is final.

Effective this 18th day of December, 20 23.

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED
Registered Nurse License Number 833691	§	
& Vocational Nurse License Number 228954	§	
issued to ANDREW RENDON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board,

considered the matter of ANDREW RENDON, Registered Nurse License Number 833691 and

Vocational Nurse License Number 228954, 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 Order approved by Katherine A. Thomas,

MN, RN, FAAN, Executive Director, on February 6, 2017.

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 Order.

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 Southwest Texas Junior College, Uvalde, Texas on May 15, 2010, and received an Associate Degree from San Antonio College, San Antonio, Texas on August 6, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on July 15, 2010, and was licensed to practice professional nursing in the State of Texas on March 7, 2013.

5. Respondent's nursing employment history includes:

07/2010 - 08/2012	LVN/Charge Nurse	Pearsall Nursing and Rehab Pearsall, Texas
01/2011 - 03/2013	LVN	Frio Regional Hospital Pearsall, Texas
03/2013 - Unknown	RN	Frio Regional Hospital Pearsall, Texas
06/2014 - 02/2016	RN	University Health System San Antonio, Texas
03/2016 - Present	Unknown	

6. On or about February 12, 2013, Respondent was issued the sanction of a WARNING WITH STIPULATIONS through an Agreed Order for Discipline and Eligibility by the Texas Board of Nursing. Respondent completed the terms of this order. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order dated February 12, 2013, is attached and incorporated herein by reference as part of this Order.

7. At the time of the incident, Respondent was employed as a Registered Nurse with University Health System, San Antonio, Texas, and had been in that position for one (1) year and four (4) months.

8. On or about October 28, 2015, and December 6, 2015, while employed as a Registered Nurse with University Health System, San Antonio, Texas, Respondent violated patient privacy when he inappropriately accessed the medical record of Patient J.R. without patient authorization. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of Patient J.R. confidential medical information without their written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).

9. In response to Finding of Fact Number Eight (8), Respondent states he did not violate the patient's privacy in accessing the patient's medical records. Respondent claims he was authorized by the patient to review the records.

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)(E) and 22 TEX. ADMIN. CODE §217.12(1)(C).

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 833691 and Vocational Nurse License Number 228954, heretofore issued to ANDREW RENDON.

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 **WARNING WITH STIPULATIONS AND A FINE** 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1

et seq., and this Order.

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.   **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.

    B.   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.

    C.   **The course "Patient Privacy,"** a 5.4 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 <u>not</u> 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.   MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred**

dollars ($500.00) within forty-five (45) days of entry of this Order. 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.

V.   RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed 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 when this Order becomes final and the terms of this Order become effective, 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this __2 2__ day of __March__, 20__17__
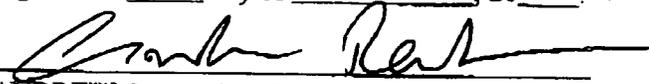
ANDREW RENDON, Respondent

Sworn to and subscribed before me this __22__ day of __March__, 20__17__
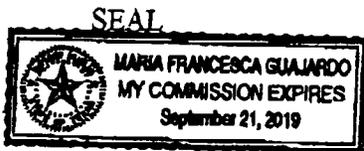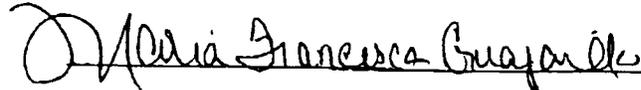
SEAL

MARIA FRANCESCA GUAJARDO
MY COMMISSION EXPIRES
September 21, 2019

Notary Public in and for the State of __Texas__

Approved as to form and substance
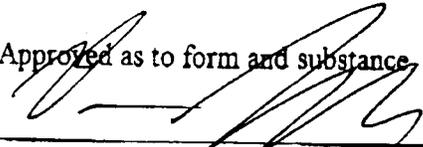
Dan Lype, Attorney for Respondent

Signed this __22__ day of __March__, 20__17__

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of __March__, 20_17_, by ANDREW RENDON, Registered Nurse License Number 833691 and Vocational Nurse License Number 228954, and said Order is final.

Effective this 9th day of __May__, 20_17_.

Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
ANDREW RENDON,	§	FOR
Vocational Nurse License Number 228954 and	§	DISCIPLINE & ELIGIBILITY
PETITIONER for Eligibility for Licensure	§	

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 228954 and the Application by Examination, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and supporting documents filed by ANDREW RENDON, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(12) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 14, 2012, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about July 2, 2012, PETITIONER submitted an Application by Examination requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.

2. Petitioner waived informal proceedings, notice and hearing, and consented to the entry of this Order.

3.	Petitioner received a Certificate in Vocational Nursing from Southwest Texas Junior College, Uvalde, Texas, on May 15, 2010 and an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on August 6, 2012.

4.	Petitioner completed the Application by Examination and answered "Yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*

> 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?*
>
> *(You may only exclude Class C misdemeanor traffic violations.)"*

5.	Petitioner disclosed the following criminal history, to wit:

A.	On or about September 25, 2007, Petitioner pled Nolo Contendere to and was found Guilty of DRIVING WHILE LICENSE SUSPENDED, a Class B misdemeanor offense, in the County Court, Uvalde County, Texas, under Cause No. 2007-30680. As a result of the conviction, Respondent was sentenced to confinement in the Uvalde County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.

B.	On or about November 7, 2007, Respondent pled No Contest to and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense, in the County Court at Law No. 4, Bexar County, Texas, under Cause No. 986244. As a result of the conviction, Respondent was probation for a period of one (1) year, and ordered to pay a fine and court costs.

C.	Petitioner disclosed that on or about December 31, 2008, Petitioner pled No Contest to and was found Guilty of DRIVING WHILE LICENSE INVALID, a misdemeanor offense, in the Municipal Court, Uvalde County, Texas, under Cause No. 17031. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

6. On or about September 19, 2012, Respondent presented to Jerome Schmidt, Ph.D., Psychologist, Austin, Texas, for psychological testing, and an interview. As a result, Dr. Schmidt was able to offer the following Conclusion and Recommendation: It is recommended that Respondent be actively involved in the TPAPN program. Nurses who are in active recovery are more likely to be able to safely provide care to vulnerable patients provided that the nurse's practice can be adequately monitored for a defined period of recovery.

7. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.

8. Petitioner has sworn that, with the exception of matters disclosed in connection with the Application by Examination, his past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.

9. Petitioner presented no evidence of behavior which is inconsistent with good professional character.

10. The Committee considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

11. The Committee considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 et seq., Texas Occupations Code.

12. The Committee considered evidence of Petitioner's substance abuse/chemical dependency, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.

13. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.

14. The Committee's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.

15. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

16. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.

2. On or about July 2, 2012, PETITIONER submitted an Application by Examination requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.

3. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(12), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual who has a history of substance abuse and/or chemical dependency after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.

7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas

Board of Nursing, that PETITIONER SHALL receive the sanction of a WARNING WITH

STIPULATIONS, and upon meeting the requirements for graduation of an appropriate program in

nursing education and payment of any required fees, PETITIONER is ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

IT IS FURTHER AGREED that PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.

IT IS FURTHER AGREED that, upon payment of any required fees and upon attaining a passing grade on the appropriate National Council Licensure Examination, PETITIONER shall be issued the applicable license to practice nursing in the State of Texas, and while under the terms of this Order, all licenses issued to PETITIONER shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license(s) is/are encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

(1) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* *http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

(2) PETITIONER SHALL, within one (1) year of entry of this Order, successfully complete 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 program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at*

the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the

PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) PETITIONER SHALL be supervised by a Registered Nurse, if licensed and practicing as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed and practicing as a Licensed Vocational Nurse, who is on the premises. The supervising Nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(7) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or**

longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

(8) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or refusal

to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application and/or petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application and/or petition, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 et seq., Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this _09_ day of _January_, _2013_.

Andrew Rendon
ANDREW RENDON, PETITIONER

Sworn to and subscribed before me this _9_ day of _January_, _2013_.
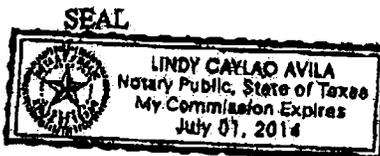
SEAL

LINDY CAYLAO AVILA
Notary Public, State of Texas
My Commission Expires
July 01, 2014

Notary Public in and for the State of _Texas_

Approved as to form and substance.

DAN LYPE, ATTORNEY, Attorney for Petitioner

Signed this _10_ day of _Jan_, _2013_.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 9th day of January, 2013, by ANDREW RENDON, Vocational Nurse License Number 228954 and PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 12th day of February, 2013.

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