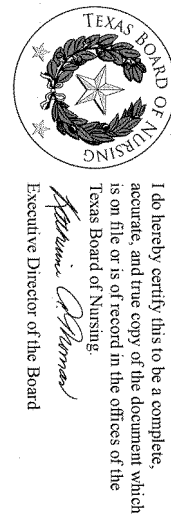


IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 561571  
ISSUED TO  
PEDRO RAMOS

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§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE OF THE BOARD  
OF NURSE EXAMINERS OF THE  
STATE OF TEXAS



**ORDER OF THE BOARD**

TO: Pedro Ramos  
9112 Nathanial  
Houston, Texas 77075

During open meeting held in Austin, Texas, on Tuesday, February 13, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN.CODE § 213.16(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.


NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 561571, previously issued to Pedro Ramos, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 561571, previously issued to Pedro Ramos, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of February, 2007.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of February, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Pedro Ramos  
9112 Nathaniel  
Houston, Texas 77075

BY:



KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 561571, Issued to  
PEDRO RAMOS, Respondent

§  
§  
§

**BEFORE THE BOARD  
OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PEDRO RAMOS, is a Registered Nurse holding license number 561571, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### **CHARGE I.**

On May 11, 2001, Respondent plead "Nolo Contendere" and was convicted of DRIVING WHILE LICENSE INVALID (a Class B Misdemeanor Offense committed April 18, 2001), under Cause No. 1055000, in the County Criminal Court at Law No. 7 of Harris County, Texas. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of three (3) days (with two (2) days credit), and ordered to pay a fine in the amount of one hundred dollars (\$100.00), along with court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1).

#### **CHARGE II.**

On or about May 20, 2004, while employed with Advanced Temporaries, Inc., Tyler, Texas, and assigned at Twelve Oaks Medical Center - South Campus, Houston, Texas, Respondent engaged in the intemperate use of alcohol in that he was observed by the nursing staff to be intoxicated while on duty. Additionally, when confronted, Respondent admitted to drinking "one beer on my way to work". The use of alcohol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(12).

## **CHARGE VI.**

On December 30, 2004, Respondent was convicted of DRIVING WHILE INTOXICATED in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1269140. As a result of the conviction, Respondent was placed on probation for a period of one (1) year, with Stipulations.

On April 6, 2005, the probation that Respondent had been granted under Cause No. 1269140, in the County Criminal Court at Law No. 12 of Harris County, Texas was REVOKED, based on a Finding by the Court that Respondent had violated the terms and conditions of probation he had been granted on December 30, 2004, to-wit: Respondent committed an offense against the State of Texas on or about March 19, 2005, in Harris County. As a result, Respondent was sentenced to confinement in the Harris County Jail for a period of ninety (90) days, and ordered to pay a four hundred dollar (\$400) fine, along with court costs (with eighteen (18) days credit given towards incarceration, fine and costs).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

## **CHARGE VII.**

On December 30, 2004, Respondent was convicted of DRIVING WHILE INTOXICATED in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1269140.

On March 31, 2005, Respondent was convicted of DRIVING WHILE INTOXICATED - 2<sup>ND</sup> in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1292400.

On March 31, 2005, Respondent was convicted of DRIVING WHILE LICENSE INVALID in the County Criminal Court at Law No. 12 of Harris County, Texas, under Cause No. 1292401.

On or about August 31, 2005, Respondent submitted his Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas. On the Renewal, Respondent answered "No" to the question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest, or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This included expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore you may answer "No." If you have two or more MIP's or MIC's, you must answer "Yes")." Respondent's conduct was deceptive to the staff at the Board of Nurse Examiners, and could have affected their decision to renew his license to practice professional nursing in the State of Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

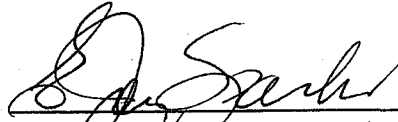
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Lying and Falsification which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 13<sup>th</sup> day of November, 2006.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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