



Texas Board of Nursing

1801 Congress Avenue, Ste. 10-200, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Kristin K. Benton, DNP, RN
Executive Director

January 14, 2026

Certified Mail No. 9214 8901 9403 8300 0051 9238 90
Return Receipt Requested, Copy Via USPS First Class Mail

Gerardo Vasquez
2107 Sage Dr
Weslaco, TX 78596

Dear Mr. Vasquez:

Your Petition for Licensure Reinstatement and the supporting information related to your potential ineligibility for relicensure was considered by the Executive Director.

Pursuant to the Occupations Code §§301.257, 301.452, and 301.453, you have been found to be ineligible for reinstatement of licensure as a nurse in the State of Texas based upon the grounds discussed below. **This is a final determination of licensure reinstatement denial.**

Our records indicate the following:

On December 9, 2014, you were issued an Agreed Order with the sanction of Reprimand with Stipulations by the Texas Board of Nursing after review of the following:

- On or about January 29, 2014, you entered a plea of "Guilty" to and were convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on May 16, 2013, in the County Court at Law No. Eight, Hidalgo County, Texas, under Cause No. CR-13-11107-H.
- On or about January 29, 2014, you entered a plea of "Guilty" to DUTY ON STRIKING FIXTURE/HWY LANDSCAPE >=\$200, a Class B misdemeanor offense committed on May 16, 2013, in the County Court at Law No. Eight, Hidalgo County, Texas, under Cause No. CR-13-11108-H.

On or about April 18, 2024, your license to practice as a Vocational Nurse was revoked by the Texas Board of Nursing for failure to comply with the conditions outlined in the Agreed Order adopted by the Board on December 9, 2014. Section IV of the Agreed Order set forth certain employment requirements for the next two (2) years (or eight quarters) that you worked as a nurse and Section V required you to abstain from the use of alcohol, tramadol, and all controlled substances, while under the terms of the Order, and while working as a nurse submit to random period drug screens.

Your failure to comply with the Agreed Order issued on December 9, 2014, is as follows:

Kathleen Shipp, MSN, APRN, FNP
Lubbock, *President*

Allison Porter-Edwards, DrPH, MS, RN, CNE, CDDN, FAAN
Bellaire, *Vice-President*

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.

- Between January 2015 and May 2020, you held six (6) different nursing positions with six (6) different employers and failed to notify or provide any of your employers with a complete copy the Agreed Order issued on December 9, 2014, prior to accepting an offer of employment;
- You failed to ensure your employers submitted the required notification of employment form to the Board regarding your employment status until September 13, 2021, when the Board received its first employment notification with a second one received on December 20, 2022;
- Your employers have not submitted quarterly performance evaluations as required;
- You did not begin submitting to periodic screenings for alcohol, tramadol, and controlled substances until October 2021;
- Since beginning period screenings you have failed to check in to the drug and alcohol testing program on forty-four (44) separate dates; and
- Since submitting to periodic screenings in October 2021, you have tested positive for metabolites of alcohol on at least eleven (11) dates.

Pursuant to Occupations Code §301.4521, you submitted to a Board-referred chemical dependence evaluation performed by Dr. Troy Martinez, Psychologist, on April 15, 2022. Dr. Martinez found you to be guarded and withholding when asked about alcohol use, and on objective testing measures. The evaluation concluded that you likely have a substance use disorder and recommended you enroll in a treatment program.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

- §§301.452(b)(10): "unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public;" and
- §301.452(b)(12): "lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public;"

The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27.

The Board has also adopted a rule, located at 22 Tex. Admin. Code §213.29(d)(2), regarding "Substance Use Disorders and Abuse/Misuse of Alcohol or Drugs" related to fitness to practice, which states: "Individuals who have not been diagnosed, treated, or hospitalized for a substance use disorder, but have nonetheless exhibited behaviors raising concerns about the individual's ability to practice nursing with reasonable skill and safety due to the possession, misuse, or abuse of alcohol or drugs, prescribed or otherwise, including related criminal conduct, may be required to demonstrate sobriety and abstinence from drugs and alcohol for a minimum of twelve consecutive months, through verifiable and reliable evidence, in order to obtain or retain licensure. Verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group

Gerardo Vasquez
January 14, 2026
Page 3

therapy, and/or support group attendance." You have failed to provide proof of sobriety in accordance with the requirements of 22 Tex. Admin. Code §213.29(d)(2).

Texas Occupations Code Chapter 301, as well as the Board's rules, 22 Tex. Admin. Code §213.27; §213.29-§213.33, and the Board's Disciplinary Sanction Policies are hereby incorporated by reference herein and may be located on the Board's website at www.bon.texas.gov.

You will not be allowed to petition for reinstatement until at least one (1) year from the date of this denial and until you have satisfied any conditions outlined in your order and any requirements required by law at the time of your application.

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Office of General Counsel, 1801 Congress Avenue, Suite 10-200, Austin, Texas, 78701. Your written request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Further, should the decision to deny your licensure be upheld by the State Office of Administrative Hearings, you will be entitled to judicial review by filing an action in the district court of Travis County, Texas. A petition for such an action must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

If you have any questions, please contact Enforcement at (512) 305-6838.

Sincerely,

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director

KKB/230

J5(2025.12.10)