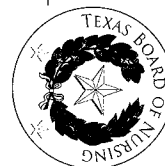


BEFORE THE TEXAS BOARD OF NURSING



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.  
*Patricia R. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse           §        AGREED  
License Number 700059                       §  
issued to MIKE ELVIN BANJAO           §        ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the B accepted the voluntary surrender of Registered Nurse License Number 700059, issued to MIKE ELVIN BANJAO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, 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. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from South Texas Community College, McAllen, Texas on August 19, 2003. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 2003.
5. Respondent's employment history includes:

|                   |    |   |
|-------------------|----|---|
| 08/2010 - Present | RN | Mission Regional Medical Center<br>Mission, Texas |
|-------------------|----|---|

Respondent's employment history continued:

|                 |    |  |
|-----------------|----|--|
| 9/2003 - 2/2004 | RN | McAllen Medical Center<br>McAllen, Texas           |
| 2/2004 - 4/2008 | RN | Endoscopy Center @ Medpoint<br>McAllen, Texas      |
| 4/2008 - 4/2010 | RN | Doctors Hospital at Renaissance<br>Edinburg, Texas |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse in the Endoscopy Department with Doctors Hospital at Renaissance, Edinburg, Texas and had been in this position for seven (7) months.
7. On or about September 16, 2009, while employed as a Registered Nurse with Doctors Hospital at Renaissance, Edinburg, Texas, Respondent inappropriately touched Patient AV on her breasts while removing EKG leads. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct sexually exploited the female patient, which was likely to cause emotional harm.
8. On or about April 22, 2010, while employed as a Registered Nurse with Doctors Hospital at Renaissance, Edinburg, Texas, Respondent inappropriately touched Patient MB on her breasts and her groin area. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient. In addition, Respondent's conduct sexually exploited the female patient, which was likely to cause emotional harm.
9. In response to Finding of Fact Number Seven (7), Respondent states that after the colonoscopy procedure was done, he removed the blood pressure cuff, pulse oximeter and the EKG leads, which were located below the right and left collar bone and on the left forearm instead of underneath the left breast. Respondent reports this has been his practice even prior to this allegation to prevent any possible contact with a woman's breast. Respondent adds that the doctor and the technician were still in the room during the entire procedure. In response to Finding of Fact Number Eight (8), Respondent states that when he was sitting at the nurses' station using a computer, the recovery nurse, asked him if he could assist take a patient from the procedure room and set her up in recovery. Respondent states that when they got to recovery room and he was preparing to connect the patient to the blood pressure and pulse ox machine, the patient started asking him question how he liked working for the hospital, how longed he had worked there and what his name was. Respondent states that he asked the patient if she wanted a blanket from the warmer and laid

it on top of the other one and then left the room. Respondent asserts that he then left the room and denies that he was every near her groin area.

10. Formal Charges were filed on September 16, 2010 and Second Amended Formal Charges were filed on February 23, 2011.
11. Formal Charges were mailed to Respondent on September 16, 2010 and Second Amended Formal charges were mailed to Respondent on February 23, 2011 .
12. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.

#### 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 violations of 301.452(b)(10), Texas Occupations Code (10) & (13), and 22 TEX. ADMIN. CODE §217.11(1)(J), and 22 TEX. ADMIN. CODE §217.12(6)(C),(D)&(E).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 700059, heretofore issued to MIKE ELVIN BANJAO, 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.

#### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY

SURRENDER of Registered License Number 700059, heretofore issued to MIKE ELVIN BANJAO, to practice nursing in the State of Texas, 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 nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying 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: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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


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WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 700059, previously issued to MIKE ELVIN BANJAO.



Effective this 1st day of April, 2011.

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