



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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § REINSTATEMENT
License Number 187967 § AGREED ORDER
issued to LARRY NATHAN KINSLOW JR. §

On this day came to be considered by the Texas Board of Nursing, hereinafter to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 187 by LARRY NATHAN KINSLOW JR., hereinafter referred to as Petitioner.

An informal conference was held on November 23, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Dan Lype, Attorney At Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

- 1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
- 2. Petitioner waived notice and hearing, and consented to the entry of this Order.
- 3. Petitioner received a Certificate in Vocational Nursing from DeMarge College, Oklahoma City, Oklahoma, on June 4, 2002. Petitioner was originally licensed to practice vocational nursing in the State of Texas on February 12, 2003.
- 4. Petitioner's vocational nursing employment history includes:

02/03 - 12/03	LVN	Valley Baptist Medical Center Brownsville, Texas
05/04 - 09/04	LVN	Good Samaritan Nursing Brownsville, Texas

Petitioner's vocational nursing employment history continued:

06/04 - 04/05	LVN	Brownsville Nursing and Rehabilitation Brownsville, Texas
01/05 - 09/05	LVN	Brownsville Nursing Center Brownsville, Texas
04/05 - 12/06	LVN	Odyssey Hospice Brownsville, Texas
10/06 - 11/07	LVN	San Martin Pediatrics Brownsville, Texas
12/07 to Present	Not employed in nursing	

5. On February 10, 2009, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the February 10, 2009, Proposal for Decision and Order of the Board is attached and incorporated, by reference, as a part of this Order.
6. On or about March 30, 2010, Petitioner submitted a Petition for Reinstatement of his License to practice vocational nursing in the State of Texas.
7. Petitioner presented the following in support of his petition:
 - 7.1. Letter of support, dated March 8, 2010, from Jorge Mazzini, MD, states that he has known Petitioner for sixteen (16) years and he is impressed with his dedication to any endeavor. Dr. Mazzini states that Petitioner demonstrates a giving and generous nature with his free time, and he is always willing to help. Petitioner has a lot to offer his patients. Dr. Mazzini states that Petitioner deserves a second chance.
 - 7.2. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

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

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of LARRY NATHAN KINSLOW JR., Vocational Nurse License Number 187967, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

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

(1) PETITIONER SHALL pay a monitoring fee in the amount of three-hundred fifty dollars (\$350.00). PETITIONER SHALL pay this fee within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to LARRY NATHAN KINSLOW JR., shall be subject to the following agreed post-licensure stipulations:

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in 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) contact 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 is to be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure.

Board-approved courses may be found at the following Board website address: Board-approved courses may be found at the following Board website address:
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(4) PETITIONER SHALL, within one (1) year of relicensure, 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, RESPONDENT 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 this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. 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.

(6) 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 vocational nurse.

(7) PETITIONER SHALL be supervised by a Registered Nurse or 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.

(8) 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 vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational 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) months for three (3) years of employment as a vocational nurse.

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

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

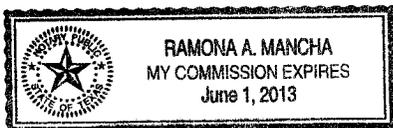
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5 day of January, 2011.

Larry Nathan Kinslow Jr.
LARRY NATHAN KINSLOW JR., Petitioner

Sworn to and subscribed before me this 5 day of January, 2011.

SEAL



Ramona A. Mancha
Notary Public in and for the State of Texas

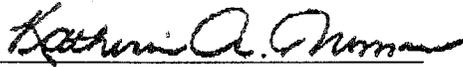
Approved as to form and substance.

Dan Lype
DAN LYPE, Attorney for Petitioner

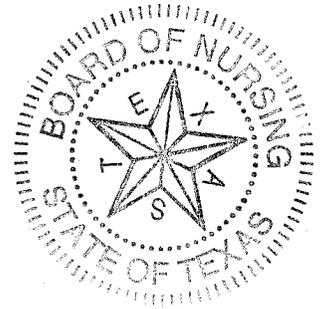
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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 5th day of January, 2011, by LARRY NATHAN KINSLOW JR., Vocational Nurse License Number 187967, and said Order is final.

Effective this 8th day of February, 2011.



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



SOAH DOCKET NO. 507-09-0143

IN THE MATTER OF PERMANENT § BEFORE THE STATE OFFICE
CERTIFICATE NO. 187967 §
ISSUED TO LARRY N. KINSLOW § OF
ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The Staff of the Texas Board of Nursing (Staff/Board) brought this action seeking revocation of the vocational nurse's license of Larry Kinslow (Respondent). Staff's alleged that Respondent committed multiple violations of the Nursing Practice Act¹ and Board's rules. The hearing on the merits was held on November 3, 2008. Respondent failed to appear at the hearing. Based on Respondent's failure to appear, Staff moved for default, which was granted by the Administrative Law Judge (ALJ) upon proof that proper notice of the hearing had been provided. Staff's allegations were accepted as true, establishing the alleged violations. Based on the Findings of Fact and Conclusions of Law set forth below, the ALJ agrees with Staff's recommendation that Respondent's license be revoked.

I. FINDINGS OF FACT

1. Larry N. Kinslow (Respondent), holds vocational nurse license number 187967 issued by the Texas Board of Nursing (Board).
2. On November 9, 2006, while employed as a staff nurse with Odyssey Healthcare in Brownsville, Texas, Respondent administered two doses of two tablets of Hydrocodone 10/325 mg to patient WH more frequently than indicated in the physician's order.
3. Hydrocodone is an opioid controlled substance and Respondent's conduct in administering doses of that medication to a patient more frequently than recommended was likely to injure patient WH from overdose-related adverse effects, including tissue toxicity or possible demise, and constitutes a violation of the applicable statutes and Board rules.
4. On November 9, 2006, while employed as a staff nurse with Odyssey Healthcare, Respondent left his nursing assignment with patient WH before the end of his assigned shift without notifying the appropriate agency staff and without reporting the patient's status.

¹ TEX. OCC. CODE ANN. ch. 301.

5. Patient WH was found deceased 45 minutes after Respondent left his nursing assignment early.
6. Respondent's conduct denied patient WH the benefit of appropriate nursing and hospice care and may have contributed to the patient unnecessarily suffering pain and discomfort during the death and dying process in violation of the applicable statutes and Board rules.
7. On November 9, 2006, while employed as a staff nurse with Odyssey Healthcare, Respondent falsely pre-documented narrative nursing notes reflecting that they had been recorded at 0800 hours even though Respondent had already left the patient's home by that time.
8. Respondent's pre-documenting his nursing notes was deceptive conduct that resulted in an inaccurate medical record and constitutes a violation of the applicable statutes and Board rules.
9. Respondent's employment with Odyssey Healthcare was terminated on November 9, 2006, for Respondent's falsification of records.
10. On November 13, 2006, Respondent falsely indicated on an application for employment with San Martin Home Health, Inc., in Brownsville, Texas, that he left his previous employment with Odyssey Healthcare because a day position was not available.
11. Respondent's providing false information on his employment application was deceptive and constitutes a violation of the applicable statutes and Board rules.
12. From July 1, 2007, through November 30, 2007, Respondent failed to renew his license to practice vocational nursing.
13. From July 1, 2007 through November 30, 2007, Respondent practiced vocational nursing without a license while employed with San Martin Home Health, Inc. in Brownsville, Texas.
14. Respondent's practice of vocational nursing without a current license was deceptive to his patients, their families, fellow care givers, and the public, all of whom relied on Respondent's nursing practice being in compliance with all Board Rules and regulations.
15. On April 25, 2008, Staff of the Board (Staff) sent its formal charges to Respondent by certified mail. Respondent received the formal charges as indicated by his signature on the return receipt.
16. On September 11, 2008, Staff sent its Notice of Hearing for the November 3, 2008, hearing to Respondent by certified mail.

17. The Notice of Hearing was sent to Respondent's last known home address of record on file with the Board and was received by Respondent on September 22, 2008, as indicated by his signature on the return receipt.
18. The Notice of Hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
19. The Notice of Hearing stated, in at least 12-point bold-faced font, that "Failure to Appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of Staff shall be granted by default."
20. The hearing on the merits was convened at 9:00 a.m. on November 3, 2008, in a fourth floor hearing room of the State Office of Administrative Hearings, William P. Clements Office Building, 300 West 15th Street, Austin, Texas.
21. Staff appeared at the hearing through its assistant general counsel, James W. Johnston. Respondent did not appear and was not represented at the hearing. Respondent did not file a motion for continuance or provide an explanation for his failure to appear.
22. Staff made a motion for default, which was granted following the admission of evidence demonstrating jurisdiction and proper notice.
23. The ALJ granted Staff's motion for default.
24. Pursuant to default, the allegations in Staff's Notice of Hearing were deemed true.

II. CONCLUSIONS OF LAW

1. The Texas Board of Nursing (Board) has jurisdiction over this matter pursuant to TEX. OCC. CODE ANN. §§ 301.451 through 301.555.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. ch. 2001 and 22 TEX. ADMIN. CODE § 213.10.

4. Administering a controlled substance to a patient more frequently than indicated by the applicable physician's orders is a violation of the Nursing Practice Act and Board's rules. TEX. OCC. CODE ANN. §§ 301.452(b)(10) and (13), 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (C), and (M), and 217.12(1)(A), (B), and (4).
5. Leaving a nursing shift before the end of the assigned shift without notifying appropriate agency staff and without reporting the patient's status is a violation of the Nursing Practice Act and Board's rules. TEX. OCC. CODE ANN. §§ 301.452(b)(10) and (13), 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (D), (I), (P), and (2)(A).
6. Falsely pre-documenting narrative nursing notes constitutes a violation of the Nursing Practice Act and the Board's rules. TEX. OCC. CODE ANN. §§ 301.452(b)(10) and (13), 22 TEX. ADMIN. CODE §§ 217.11(1)(A) and 217.12 (1)(A), (B), C), and (6)(A).
7. Providing false information on an application for nursing employment is a violation of the Nursing Practice Act and Board's rules. TEX. OCC. CODE ANN. §§ 301.452(b)(10) and (13), 22 TEX. ADMIN. CODE §§ 217.11(1)(A) and 217.12(6)(A), (H), and (I).
8. Practicing vocational nursing without a current license is a violation of the Nursing Practice Act and Board's rules. TEX. OCC. CODE ANN. §§ 301.452(b)(1),(10), and (13), 22 TEX. ADMIN. CODE §§ 217.11(1)(A) and 217.12(1)(A) and (1)(B).
9. Based on the above Findings of Fact and Conclusions of Law, Respondent is subject to discipline by the Board, including revocation of his license. TEX. OCC. CODE ANN. §§ 301.452(b)(1) and 301.453; 22 TEX. ADMIN. CODE § 217.11.
10. Based on Respondent's failure to appear at the hearing despite being provided proper notice, default is appropriate and the allegations in Staff's Notice of Hearing are deemed admitted. 1 TEX. ADMIN. CODE § 155.55.
11. The Board should enter a default order against Respondent and should revoke Respondent's Permanent Certificate No. 187967 as a vocational nurse.

SIGNED December 29, 2008.



AMI L. LARSON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

DOCKET NUMBER 507-09-0143

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 187967
ISSUED TO
LARRY N. KINSLOW, JR.**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

ORDER OF THE BOARD

**TO: Larry N. Kinslow, Jr.
1210B Squaw Valley Drive
Brownsville, Texas 78520**

During open meeting held in Austin, Texas, the Texas Board of Nursing finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Texas Board of Nursing, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 187967, previously issued to LARRY N. KINSLOW, JR., to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 187967, previously issued to LARRY N. KINSLOW, JR., upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 10th day of February, 2009.

TEXAS BOARD OF NURSING



KATHERINE A. THOMAS, MN, RN

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 187967, Issued to §
LARRY NATHAN KINSLOW, JR., Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LARRY NATHAN KINSLOW, JR., is a Vocational Nurse holding license number 187967, 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 or about November 9, 2006, while employed as a Staff Nurse with Odyssey Healthcare, Brownsville, Texas, Respondent administered two (2) tablets of Hydrocodone 10/325 mg to Patient WH in excess frequency of the physician's order, which indicated that the patient was to receive the medication every four (4) to six (6) hours, as needed. However, Respondent administered a second dose of two (2) tablets of Hydrocodone after only three (3) hours, at 0700, after he had earlier administered a dose at 0400. Hydrocodone is an opioid controlled substance used for pain relief. Respondent's conduct was likely to injure the patient from overdose related adverse effects, including tissue toxicity and/or possible demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(C)&(1)(M) and 217.12(1)(A),(1)(B)&(4).

CHARGE II.

On or about November 9, 2006, while employed as a Staff Nurse with Odyssey Healthcare, Brownsville, Texas, Respondent left his nursing assignment with Patient WH before the end of his assigned shift, without notifying the appropriate agency staff and without reporting the patient's status. The patient was found deceased 45 minutes after Respondent left. Respondent's conduct denied the patient the benefit of appropriate nursing and hospice care, and may have contributed to the patient suffering pain and discomfort unnecessarily during the death and dying process.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(D),(1)(I),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(12).

CHARGE III.

On or about November 9, 2006, while employed as a Staff Nurse with Odyssey Healthcare, Brownsville, Texas, Respondent falsely pre-documented narrative nursing notes reflecting that they had been recorded at 0800, even though Respondent had already left the patient's home by that time. Respondent's conduct was deceptive and resulted in an inaccurate medical record.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(1)(C)&(6)(A).

CHARGE IV.

On or about November 13, 2006, Respondent falsely indicated on an application for employment with San Martin Home Health, Inc., Brownsville, Texas, that he left his previous employment with Odyssey Healthcare, Brownsville, Texas, because a day position was unavailable. Respondent's employment with Odyssey Healthcare, Brownsville, Texas, was terminated on November 9, 2006, for falsification of records. Respondent's conduct was deceptive and may have affected the facility's decision regarding his employment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A) and 217.12(6)(A),(6)(H)&(6)(I).

CHARGE V.

On or about July 1, 2007, through November 30, 2007, Respondent failed to renew his license to practice vocational nursing in the State of Texas and, consequently, practiced vocational nursing while employed with San Martin Home Health, Inc., Brownsville, Texas, without a current license, as required. Respondent did not renew his license to practice vocational nursing in the State of Texas until March 12, 2008. Respondent's conduct deceived patients, their families, fellow care givers and the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1),(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A) and 217.12(1)(A)&(1)(B)

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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.bon.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 Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

Filed this 25th day of April, 2008.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

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