IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 182036	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
CESAR RICARDO GONZALEZ	§	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.

Executive Director of the Board

ORDER OF THE BOARD

TO: Cesar Ricardo Gonzalez
3915 Lincoln Ave. #1
El Paso, TX 79930

During open meeting held in Austin, Texas, on Tuesday, December 14, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 vocational 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

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 for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

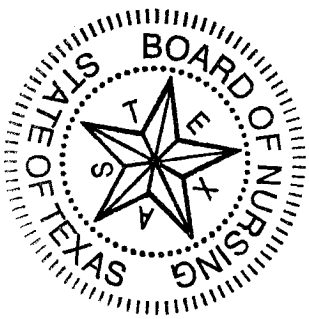
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 182036, previously issued to CESAR RICARDO GONZALEZ, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 182036, previously issued to CESAR RICARDO GONZALEZ, 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 14th day of December, 2010.



TEXAS BOARD OF NURSING

BY: _____

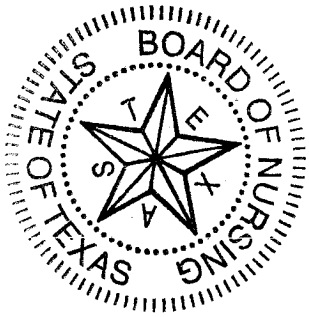
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 182036
Issued to Cesar Ricardo Gonzalez
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2010, 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):

Cesar Ricardo Gonzalez
3915 Lincoln Ave. #1
El Paso, TX 79930



BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 182036, Issued to	§	
CESAR RICARDO GONZALEZ, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CESAR RICARDO GONZALEZ, is a Vocational Nurse holding license number 182036, which is in delinquent 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 June 17, 2009, through August 10, 2009, Respondent failed to comply with the Agreed Order issued to him on April 22, 2008, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with the Stipulation Number Three (3) of the Order, which reads:

> (3) "RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current."

Specifically, on August 10, 2009, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing because Respondent was suspended from drug testing by First Lab due to nonpayment of fees on June 16, 2009. In addition, he failed to respond to a noncompliance letter mailed to him on July 30, 2009, citing his missed UDS selections and failure to submit monthly reports. Respondent's advocate contacted TPAPN and informed Respondent's case manager that Cesar was hospitalized due to a relapse.

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(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 22, 2008.

Filed this 25th day of Febenary, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated April 22, 2008

0999/D

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	
License Number 182036	§	AGREED
issued to CESAR RICARDO GONZALEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CESAR RICARDO GONZALEZ, Vocational Nurse License Number 182036, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 20, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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.

2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Texas State Tech College, Sweetwater, Texas, on August 17, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2001.

5. Respondent's nursing employment history is unknown.

6. On or about August 3, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which he answered "Yes" to the following question: "Have you ever been convicted, adjudicated 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 arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

7. Respondent disclosed the following criminal history to wit:

   A. On or about February 20, 2007, Respondent was convicted of the offense of DRIVING WHILE INTOXICATED, a Class B misdemeanor, in the County Court at Law No. 2, El Paso County, Texas, Cause #20070C00392. Respondent was sentenced to one hundred eighty (180) days confinement with the imposition of sentence suspended, and placed on twenty (20) months probation, ordered to pay restitution in the amount of $75, and a fine and court costs. Respondent was also required to participate in, and satisfactorily complete, a DWI Education course which had to be completed within ninety (90) days, and in Family Violence Counseling which had to be started within sixty (60) days.

   B. On or about February 20, 2007, Respondent was convicted of the offense of ASSAULT CAUSES BODILY INJURY TO A FAMILY MEMBER, a Class A misdemeanor, in the County Court at Law No. 2, El Paso County, Texas, Cause #20070C01415. Respondent was sentenced to one (1) year confinement with the imposition of sentence suspended, placed on twenty (20) months probation, and ordered to pay a fine and court costs. Respondent was also required to participate in, and satisfactorily complete, a DWI Education course which had to be completed within ninety (90) days, and in Family Violence Counseling which had to be started within sixty (60) days.

8. On or about January 17, 2008, a computerized criminal history was run which disclosed the following offenses:

   A. On or about February 15, 1985, Respondent was charged with the offense of BURGLARY OF BUSINESS in El Paso County, Texas. Proceedings were deferred without adjudication and Respondent was placed on five (5) years probation.

   B. On or about September 8, 2004, Respondent was charged with the offense of ASSAULT CAUSES BODILY INJURY, a Class A misdemeanor, in the County Criminal Court #2, El Paso County, Texas, Cause #20040C02754. Respondent was sentenced to three hundred (300) days confinement with the imposition of sentence suspended, and placed on eleven (11) months probation, and ordered to pay a fine and court costs. Respondent was discharged from Community Supervision on

August 18, 2005. Respondent disclosed this information on his 2005 renewal.

C. On or about February 25, 2008, Respondent entered a plea of Guilty to ASSAULT CAUSES BODILY INJURY, (a Class A misdemeanor offense committed on March 6, 2006), in the County Court No. 2, El Paso County, Texas, Cause No. 20060C05804. 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 one (1) year probation. Additionally, Respondent was ordered to pay a fine and court costs.

9. On or about August 3, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which he answered "Yes" to the following question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

10. On or about July 30, 2007, Respondent submitted a written statement related to Finding of Fact number Nine (9), in which he stated, in reference to his conviction and probation for DWI, "I was placed on probation for 20 (twenty) months. My probation conditions include, in part, alcohol treatment at Aliviane for six (6) months as an outpatient, that I must attend twice weekly, and AA meetings twice a week for the duration of probation."

11. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

12. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182036,

heretofore issued to CESAR RICARDO GONZALEZ, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

5. 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.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to CESAR RICARDO GONZALEZ, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of THREE HUNDRED FIFTY DOLLARS ($350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

(5) IT IS FURTHER AGREED, SHOULD RESPONDENT'S probation be amended or revoked for the offenses as outlined in Findings of Fact Numbers Seven and Eight, said judicial action will result in further disciplinary action including Revocation of Respondent's license to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED, SHOULD RESPONDENT 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. 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 One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and 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 revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of April, 2006.

CESAR RICARDO GONZALEZ, Respondent

Sworn to and subscribed before me this 16 day of April, 2006.

SEAL

Notary Public in and for the State of TX

JOHN GALLEGOS
MY COMMISSION EXPIRES
September 7, 2008

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 18th day of April, 2008, by CESAR RICARDO GONZALEZ, Vocational Nurse License Number 182036, and said Order is final.

Entered and effective this 22nd day of April, 2008.

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