BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Vocational Nurse | § |
| License Number 189851 | § |
| issued to ABEL DOMINGUEZ CASTRO | § |

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.
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 189851, issued to ABEL DOMINGUEZ CASTRO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent holds a license to practice vocational nursing in the State of Texas which is in Delinquent status.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Howard College, Big Spring, Texas, on July 10, 2003. Respondent was licensed to practice vocational nursing in the State of Texas in August 25, 2003.

4. Respondent's complete vocational nursing employment history is unknown.

5. Formal Charges were filed on May 14, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.

6. Formal Charges were mailed to Respondent on May 19, 2010.

7. On June 1, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated June 1, 2010, is attached and incorporated herein by reference as part of this Order.

8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

9. 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.

## 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 violation of Tex. Rev. Civ. Stat. 4528c, sec. 10(a)(9).

4. The evidence received is sufficient to prove violation of Section 301.452(b)(3),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).

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, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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## ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 189851, heretofore issued to ABEL DOMINGUEZ CASTRO, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

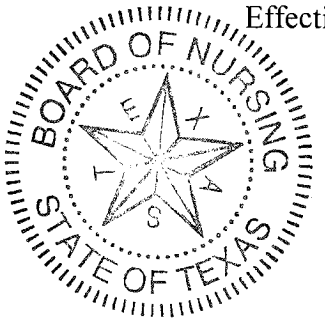
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of Vocational Nurse or the abbreviation LVN or wear any insignia identifying himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during 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 vocational nursing in the State of Texas.

Effective this 18th day of June, 2010.




TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

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| **In the Matter of Permanent License** | § | **BEFORE THE TEXAS** |
| **Number 189851, Issued to** | § | |
| **ABEL DOMINGUEZ CASTRO, Respondent** | § | **BOARD OF NURSING** |

## FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ABEL DOMINGUEZ CASTRO, is a Vocational Nurse holding license number 189851, 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 September 14, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 1ST (a misdemeanor offense committed on August 11, 1994) in the County Court at Law 2, Odessa, Texas under Cause No. 942780. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of one (1) year; however, the imposition of the sentence of confinement was suspended and he was placed on probation for a period of one (1) year. Additionally, he was ordered to pay a fine and court costs. On or about December 4, 1995, Respondent's probation was revoked and as a result, he was sentenced to confinement in the County Jail for a period of one hundred eighty (180) days. Additionally, he was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Tex. Rev. Civ. Stat. 4528c, sec. 10(a)(9).

## CHARGE II.

On or about October 23, 1995, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense committed on July 19, 1995), in County Court, Big Spring, Texas under Cause No. 43715. As a result of the conviction, Respondent was sentenced to confinement in the County Jail for a period of three hundred sixty-five (365) days; however, the imposition of the sentence of confinement was suspended and he was placed on probation for a period of twenty-four (24) months. Additionally, he was ordered to pay a fine and court costs. On or about October 23, 1995, Respondent's probation was revoked due to multiple probation violations and as a result, he was sentenced to confinement in the County Jail for a period of ninety (90) days. Additionally he were ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Tex. Rev. Civ. Stat. 4528c, sec. 10(a)(9).

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.

Filed this 14th day of May, 2010.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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June 01, 2010

To: Texas Board of Nursing: ATTN: Scott Torres

Dear Mr. Torres:

It is my desire to voluntarily surrender my LVN license, number 189851, issued to Abel Dominguez Castro, dob 10/23/1950, Social Security Number 465-84-3569, to be effective upon your receipt of this notification. Should you wish to contact me, my phone number is 432-264-0340.

Thank you.

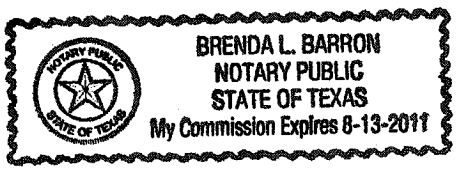
Sincerely,

Abel Dominguez Castro

Abel Dominguez Castro

State of Texas
County of Winkler

Abel Dominguez Castro appeared before me, a notary (BB) Public on this day - June 1st, 2010.




Brenda L Barron