



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 525728 §
issued to HECTOR G. IRACHETA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HECTOR G. IRACHETA, Registered Nurse License Number 525728, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 9, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 The University of Texas at Brownsville and Texas Southmost College, Brownsville, Texas, in May 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.
5. Respondent's professional nursing employment history includes:

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|-------------|------------------------------------|--|
| 1985 - 1997 | Staff Nurse & Clinical Director | Valley Regional Medical Center Brownsville, Texas |
|-------------|------------------------------------|--|

Respondent's professional employment history continued:

| | | |
|------------------|--------------------------------------|---|
| 1988 - 1994 | School Nurse | Brownsville Independent School District Brownsville, Texas |
| 1994 - 4/2007 | Director, Student Health Services | The University of Texas at Brownsville and Texas Southmost College Brownsville, Texas |
| 5/2007 - Present | Staff Nurse | STG International, Inc. Alexandria, Virginia, assigned to US Immigration and Customs Enforcement South Texas Detention Facility Pearsall, Texas |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as the Director of Student Health Services with The University of Texas at Brownsville and Texas Southmost College, Brownsville, Texas, and had been in this position for two (2) years.

7. On or about May 1996 through April 2007, while employed as the Director of Student Health Services with The University of Texas at Brownsville and Texas Southmost College, Brownsville, Texas, Respondent failed to appropriately manage the facility's Class D pharmacy in that Respondent failed to ensure:

- That accurate monthly inventories of the pharmacy stock were performed, as required. Only five (5) inventories were conducted since the pharmacy's inception on April 25, 1996, with 25 approved medications, and each of the five (5) subsequent inventories varied by listing only 11 to 18 medications;
- That the Class D formulary was revised as new medications were approved. A pharmacy audit in 2007 identified 35 additional, new medications in stock but which were not reflected as being approved on the formulary; and
- That medications were appropriately secured, stored and packaged. A pharmacy audit in 2007 indicated that medications were being stored outside of the pharmacy room and that bulk medications were being repackaged by staff into envelopes without the required labeling.

Respondent's conduct was likely to injure patients from inadequate and/or inappropriate pharmacy services.

8. On or about June 9, 1998, through January 2, 2006, while employed as the Director of Student Health Services with The University of Texas at Brownsville and Texas Southmost College, Brownsville, Texas, Respondent exceeded his Board authorized scope of practice by diagnosing infections and other conditions, then dispensing medications, including antibiotics, from the facility's Class D pharmacy to treat patients, without physician's orders,

as required. Respondent's conduct violated Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act) and was likely to injure patients from medications dispensed and taken by patients without the benefit of a physician's expertise.

9. On or about February 25, 2001, through April 6, 2007, while employed as the Director of Student Health Services with The University of Texas at Brownsville and Texas Southmost College, Brownsville, Texas, Respondent failed to ensure that the facility maintained on file the written protocols documenting physician delegation for managing medical aspects of care to Advanced Practice Nurses, as required. Respondent's conduct was likely to injure patients from unauthorized and/or possibly non-efficacious medical interventions.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that he had been licensed to service the facility's pharmacy since 1997, and that during the entire time, the health services department always followed the standards of care implemented by all colleges and other universities of the same size. Respondent indicates that the pharmacy had been regularly audited by the State Board of Pharmacy, with no findings of mismanagement, and that it was the responsibility of the Advanced Practice Nurses to maintain their own documentation of their receipt of orders from medical physicians.

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 Article 4525(b)(9)&(12), TEX. REV. CIV. STAT. ANN. [eff. through 8/99], Section 301.452(b)(10)&(13), Texas Occupations Code [eff. 9/99], and 22 TEX. ADMIN. CODE §§ 217.11(1),(3),(8)&(14) [eff. through 8/99], 217.13(1)&(8) [eff. through 8/99], 217.11(1),(2),(5)&(8) [eff. 9/99-1/04], 217.12(1),(5),(8) [eff. 9/99-1/04], 217.11(1)(A),(1)(B),(1)(V)&(3)(A) [eff. 2/04] and 217.12(1)(B),(2)&(4) [eff. 2/04].
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 525728, heretofore issued to HECTOR G. IRACHETA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply 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 this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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 that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL only attend a course from a provider that has already been pre-approved by the Board. Home study courses and video programs will not be accepted. In order for the course to be accepted, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any

continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL only attend a course from a provider that has already been pre-approved by the Board. Home study courses and video programs will not be accepted. In order for the course to be accepted, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, 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://www.learningext.com/products/generalce/critical/ctabout.asp>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred dollars (\$1500.00). RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. While under

the terms of this Order, RESPONDENT SHALL notify any future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified

and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

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

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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. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20th day of January, 2010.
Hector G. Iracheta
HECTOR G. IRACHETA, Respondent

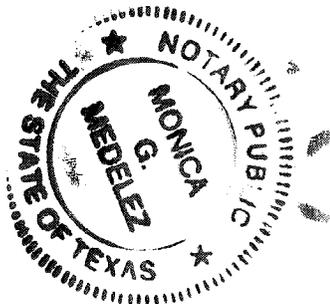
Sworn to and subscribed before me this 20th day of January, 2010.

SEAL

Monica G. Medelez

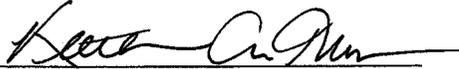
Notary Public in and for the State of Texas

Commission expires:
08/04/2012



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of January, 2010, by HECTOR G. IRACHETA, Registered Nurse License Number 525728, and said Order is final.

Effective this 23rd day of March, 2010.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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